

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CONSENT AGREEMENT AND FINAL ORDER**

_____)
IN THE MATTER OF)
)
United States Department of the Interior,)
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)
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Respondent.)
_____)

Docket No.	RCRA-HQ-2011-8006
Docket No.	CAA-HQ-2011-8006
Docket No.	TSCA-HQ-2011-8006
Docket No.	SDWA-HQ-2011-8006

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IN THE MATTER OF)	
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)	Docket No. RCRA-HQ-2011-8006
United States Department of the Interior,)	Docket No. CAA-HQ-2011-8006
)	Docket No. TSCA-HQ-2011-8006
)	Docket No. SDWA-HQ-2011-8006
)	
Respondent.)	
)	

CONSENT AGREEMENT

Complainant, the United States Environmental Protection Agency (“EPA,” the “Agency,” or “Complainant”), and Respondent, U.S. Department of the Interior (“DOI” or “Respondent”), collectively referred to as “the Parties,” have agreed that settlement of this matter is in the public interest and that execution of this Consent Agreement and Final Order (“Consent Agreement”) without further litigation, is the most appropriate means of resolving this matter.

Before the taking of any testimony, without further adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby Ordered and Adjudged as follows:

I. PRELIMINARY STATEMENT

This Consent Agreement and Final Order is entered into by the Assistant Administrator for the Office of Enforcement and Compliance Assurance, EPA, and DOI, pursuant to the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901-6992k (2009); the Clean Air Act (“CAA”), 42 U.S.C. §§ 7401-7671q (2009); the Toxic Substances Control Act (“TSCA”), Subchapter II (“the Asbestos Hazard Emergency Response Act” or “AHERA”), 15 U.S.C. §§ 2641-2656 (2009); the Safe Drinking Water Act (“SDWA”), 42 U.S.C. §§ 300f-300j-26 (2009); and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), 40 C.F.R. Pt. 22 (2008), including, specifically, 40 C.F.R. §§ 22.13(b), 22.18(b)(2)-(3) (2008).

This action addresses environmental violations at schools and public water systems (“PWSs”) owned by, operated by, or otherwise the legal responsibility of DOI, Bureau of Indian Affairs (BIA) and/or the Bureau of Indian Education (BIE), and addresses violations under several environmental statutes, including RCRA, CAA, AHERA, and SDWA. Pursuant to RCRA, CAA, AHERA, and SDWA, the nature of the violations, Respondent’s agreement to perform a Supplemental Environmental Project (SEP) and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of \$234,844.00. The Consent Agreement requires DOI to pay a civil penalty of \$234,844.00, correct all violations

identified during the inspections, implement a compliance-focused environmental management system (EMS), conduct third-party, multi-media audits of BIE schools and BIA public water systems serving those schools, and perform a SEP.

II. GENERAL PROVISIONS

1. The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement, as prescribed by EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. § 22, and more specifically by 40 C.F.R. § 22.18(b).
2. Respondent agrees that Complainant has the authority to bring an administrative action for these violations and for the issuance of a compliance order and the assessment of penalties under section 3008(a) of RCRA, 42 U.S.C. § 6928(a); and section 113(d) of the CAA, 42 U.S.C. § 7413(d); and sections 16(a) and 207(a) of TSCA, 42 U.S.C. §§ 2615(a) and 2647(a); and sections 1414(a)(1)(B) and 1447(b) of SDWA, 42 U.S.C. §§ 300g-3(a)(1)(B) and 300j-6(b).
3. For purposes of this proceeding, Respondent admits the jurisdictional allegations in this Consent Agreement.
4. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this Consent Agreement, except as provided in paragraphs 1-3, above. Respondent consents to the assessment of any stated civil penalty, to the issuance of any specified compliance or corrective action order, to any conditions specified in the Consent Agreement and Final Order, and to any stated permit action.
5. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of the Consent Agreement and Final Order.
6. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and any right to appeal the accompanying Final Order.
7. Respondent consents to the issuance of this Consent Agreement and Final Order and agrees to comply with its terms and conditions, including payment of the civil penalty and performance of the SEP.
8. Respondent shall bear its own costs and attorney's fees.
9. The provisions of this Consent Agreement and Final Order shall be binding upon Complainant and Respondent, their employees, successors, and assigns.
10. This Consent Agreement and Final Order shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state, local, or tribal law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, local, or tribal permit.

III. EPA'S GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW

11. In accordance with the Consolidated Rules at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), Complainant makes the findings of fact and conclusions of law which follow.
12. Respondent is the owner and/or operator of the schools and PWSs listed in Appendices C and D as certified by Respondent in Attachment I.
13. EPA conducted inspections of Respondent's facilities between FY 2005-2008 and reviewed PWS files recording compliance data between FY 2004-2008.

A. Resource Conservation and Recovery Act

Findings of Fact and Conclusions of Law

14. Respondent is a "federal agency" and a "person" as those terms are defined in section 1004 of RCRA, 42 U.S.C. § 6903, and 40 C.F.R. § 260.10.
15. Each of the schools identified herein constitutes a "facility" within the meaning of 40 C.F.R. § 260.10.
16. At all times relevant to this Consent Agreement and Final Order, Respondent was the "owner" and/or "operator" of, or is otherwise liable for, each school listed in Appendix C, as those terms are defined in 40 C.F.R. § 260.10.
17. Respondent, in the course of conducting normal building maintenance and educational operations at the schools, has generated "solid waste" within the meaning of 40 C.F.R. § 261.2.
18. Respondent, in the course of conducting normal building maintenance and educational operations at the schools, has generated "hazardous waste" within the meaning of 40 C.F.R. § 261.3, "universal waste" within the meaning of 40 C.F.R. §§ 273.5 and 273.9, and "used oil" within the meaning of 40 C.F.R. § 279.1.
19. At all times mentioned below in this Consent Agreement, Respondent has been a "generator" of hazardous waste as that term is defined in 40 C.F.R. § 260.10, a "generator" and "handler" of universal waste as those terms are defined in 40 C.F.R. § 273.9, and a "used oil generator" as that term is defined in 40 C.F.R. §§ 279.10 and 279.20(a), at the schools.
20. Respondent has stored hazardous waste, including unlabeled and outdated chemicals, and universal waste in the form of spent fluorescent lamps at the schools.
21. Between October 1, 2004, and June 30, 2008, pursuant to section 3007 of RCRA, 42 U.S.C. § 6927, authorized representatives of EPA conducted inspections of the schools listed in paragraphs 26, 31, and 62 to determine compliance with RCRA.

COUNT 1 - Failure to Make Hazardous Waste Determinations for Unlabeled and Outdated Chemicals

22. Complainant realleges each allegation contained in paragraphs 1 through 21 as if fully set forth herein.
23. Pursuant to 40 C.F.R. § 262.11, a person who generates a solid waste must determine whether that solid waste is a hazardous waste, using the procedures specified in that provision.
24. Pursuant to 40 C.F.R. § 261.2, subject to certain inapplicable exclusions, a “solid waste” is any “discarded material” that includes “abandoned,” “recycled,” or “inherently waste-like materials,” as those terms are further defined therein.
25. Pursuant to 40 C.F.R. § 261.2(b), materials are solid wastes if they are “abandoned” by being “disposed of,” “burned or incinerated,” or “accumulated, stored, or treated before or in lieu of being abandoned by being disposed of, burned or incinerated.”
26. As of the inspection dates, EPA inspectors observed unlabeled and outdated chemicals and other waste materials that had been generated by Respondent and were accumulated and/or stored at the following schools before being disposed of:
 - Beatrice Rafferty School
 - Chinle Boarding School
 - Crow Creek Reservation High School
 - Haskell Indian Nations University
 - Hopi Junior/Senior High School
 - Indian Island School
 - Lower Brule Day School
 - Marty Indian School
 - St. Francis School
 - San Simon School
 - Santa Rosa Boarding School
 - Shonto Preparatory School
 - Standing Rock Community Grant School
 - Tohono O’Odham High School
 - Turtle Mountain High School
 - Two Eagle River School
27. As of the inspection dates, the unlabeled and outdated chemicals and other waste materials that had been generated by Respondent and observed by EPA inspectors at the schools listed in paragraph 26 above are “discarded material” and “solid waste,” as defined in 40 C.F.R. § 261.2.
28. As of the inspection dates, Respondent had failed to determine whether the unlabeled and outdated chemicals and other waste materials that had been generated by Respondent and observed by EPA inspectors at the schools listed in paragraph 26

constitute hazardous waste, pursuant to 40 C.F.R. § 262.11 and 40 C.F.R. §§ 261.21 through 261.24.

29. Respondent therefore failed to make a hazardous waste determination for the unlabeled and outdated chemicals and other waste materials that had been generated by Respondent and observed by EPA inspectors at the schools listed in paragraph 26 in violation of 40 C.F.R. § 262.11.

COUNT 2 - Failure to Make Hazardous Waste Determinations for Spent Fluorescent Lamps

30. Complainant realleges each allegation contained in paragraphs 1 through 29 as if fully set forth herein.

31. As of the inspection dates, EPA inspectors observed spent fluorescent lamps that had been generated by Respondent and that were collected, accumulated or stored at the following schools:

- Beatrice Rafferty School
- Chemawa Indian School
- Chinle Boarding School
- Haskell Indian Nations University
- Hopi Day School
- Hopi Junior/Senior High School
- Hotevilla Bacavi Community School
- Indian Island School
- Indian Township School
- Kayenta Community School
- Marty Indian School
- Muckleshoot Tribal School
- Quileute Tribal School
- St. Francis School
- San Simon School
- Santa Rosa Boarding School
- Santa Rosa Ranch School
- Sherman Indian High School
- Shonto Preparatory School
- Tohono O'odham High School
- Two Eagle River School

32. The spent fluorescent lamps generated by Respondent and observed by EPA inspectors at the schools listed in paragraph 31 above are “discarded material” and “solid waste,” as defined in 40 C.F.R. § 261.2 because they had been accumulated and/or stored at the schools before being disposed.

33. 40 C.F.R. § 262.11 requires a person who generates a solid waste as defined in 40 C.F.R. § 261.2 to determine if the waste is a hazardous waste.
34. As of the inspection dates, Respondent failed to determine whether the spent fluorescent lamps generated by Respondent and observed by EPA inspectors at the schools listed in paragraph 31 constitute hazardous waste in violation of 40 C.F.R. § 262.11.

COUNT 3 - Failure to Comply with Conditionally Exempt Small Quantity Generator Requirements, the Small Quantity Generator Requirements, or the Universal Waste Requirements for Spent Fluorescent Lamps

35. Complainant realleges each allegation contained in paragraphs 1 through 34 as if fully set forth herein.
36. Pursuant to 40 C.F.R. § 273.9, a “lamp” is defined as the bulb or tube portion of an electric lighting device, and includes fluorescent lamps. 40 C.F.R. § 273.9 goes on to define “universal waste” to include a “lamp” that is “hazardous” because it exhibits one or more of the characteristics identified in 40 C.F.R. § 261 and is discarded. 40 C.F.R. § 273.9 defines a “universal waste handler” to include a generator of universal waste. 40 C.F.R. § 273.9 defines a “generator” as any person by site whose acts or process produces hazardous waste identified or listed in 40 C.F.R. § 261. Finally, 40 C.F.R. § 273.9 defines a “small quantity handler of universal waste” as a universal waste handler who does not accumulate 5,000 kg or more of universal waste at any time.
37. A solid waste is a “hazardous waste” if, subject to certain inapplicable exclusions, it exhibits any of the characteristics of hazardous waste found in 40 C.F.R. §§ 261.20 through 261.24. The definition of “generator” for the purposes of hazardous waste found in 40 C.F.R. § 260.10 is identical to the definition found in the universal waste standards—i.e., a person whose acts or process produces hazardous waste identified or listed in 40 C.F.R. § 261.
38. As of the inspection dates, the spent fluorescent lamps observed by EPA inspectors at the schools listed in paragraph 31 were discarded solid waste and likely included lamps that contained mercury in amounts greater than identified in 40 C.F.R. § 261.24 and are therefore both hazardous waste and universal waste as defined in 40 C.F.R. § 261 and 40 C.F.R. § 273.9.
39. As of the inspection dates, Respondent’s acts at the schools listed in paragraph 31 produced hazardous waste in the form of the spent fluorescent lamps observed by EPA’s inspectors. Respondent is therefore a generator of hazardous waste and a universal waste handler within the meaning of 40 C.F.R. §§ 260.10 and 273.9.
40. As of the inspection dates, the schools listed in paragraph 31 had accumulated universal waste in quantities less than 5,000 kg. Respondent is therefore a small quantity handler of universal waste pursuant to 40 C.F.R. § 273.9.
41. Pursuant to 40 C.F.R. §§ 261.5, 261.9, 262.10(a), 273.1(b), and 273.8, a small quantity handler of universal waste must comply with one of three alternative sets of compliance

requirements for spent fluorescent lamps: (1) the conditionally exempt small quantity generator requirements found at 40 C.F.R. § 261.5; (2) the hazardous waste standards found in 40 C.F.R. §§ 262-266, 268, 270, and 124 and the notification requirements of section 3010 of RCRA (42 U.S.C. § 6930); or (3), the universal waste standards found in 40 C.F.R. § 273. As described below, Respondent failed to comply with any of the three alternative compliance requirements with respect to its handling of spent fluorescent lamps at the schools listed in paragraph 31.

Respondent is Not a Conditionally Exempt Small Quantity Generator

42. Pursuant to 40 C.F.R. §§ 261.5, 273.1, and 273.8, a generator is conditionally exempt from full regulation under 40 C.F.R. §§ 262-266, 268, 270, and 124, and the notification requirements of section 3010 of RCRA, 42 U.S.C. § 6930, and need not comply with the requirements of § 273, provided that it: (1) generates 100 kilograms (kg) or less of non-acute hazardous waste in a calendar month and accumulates less than 1,000 kg of non-acute hazardous waste at any given time, (2) performs a waste determination required by 40 C.F.R. §§ 261.5(g)(1) and 262.11, and (3) either disposes of its hazardous waste in an onsite facility or ensures delivery to a proper off-site treatment, storage, or disposal facility of any hazardous waste as required by 40 C.F.R. § 261.5(g)(3). A generator meeting all these requirements is referred to as a “conditionally exempt small quantity generator” or “CESQG.”
43. As alleged in paragraphs 30-34, Respondent failed to perform a waste determination for the spent fluorescent lamps observed by EPA inspectors at the schools listed in paragraph 31 as required by 40 C.F.R. §§ 261.5(g)(1) and 262.11.
44. Respondent’s failure to make a waste determination for the spent fluorescent lamps observed by EPA inspectors at the schools listed in paragraph 31 precluded Respondent from utilizing the CESQG requirements found at 40 C.F.R. § 261.5 as a compliance option.

Respondent Did Not Meet the Hazardous Waste Standards

45. The hazardous waste management standards found in 40 C.F.R. §§ 262-266, and the notification requirements of Section 3010 of RCRA, 42 U.S.C. § 6930 include numerous requirements.
46. Among the requirements found in 40 C.F.R. §§ 262-266, a generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator of EPA. 40 C.F.R. § 262.12.
47. As of the inspection dates, Respondent had not applied for or received an EPA identification number from the Administrator of EPA for the schools listed in paragraph 31.
48. Pursuant to 40 C.F.R. §§ 262.34(d)(4) and 262.34(a)(2), a hazardous waste generator must ensure that all hazardous waste is placed in containers or tanks with the date upon

which each period of accumulation begins clearly marked and visible on each container. In addition, pursuant to 40 C.F.R. §§ 262.34(d)(4) and 262.34(a)(3), a hazardous waste generator must ensure that while being accumulated on-site, each tank or container is labeled or marked clearly with the words “Hazardous Waste.”

49. As of the inspection dates, Respondent had not placed all hazardous waste in containers or tanks with the date upon which each period of accumulation begins clearly marked and visible on each container, or labeled or marked clearly with the words “Hazardous Waste,” with respect to the spent fluorescent bulbs observed by EPA inspectors at the schools listed in paragraph 31.
50. Pursuant to 40 C.F.R. § 262.34(d)(5)(iii), a hazardous waste generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities.
51. As of the inspection dates, Respondent had not ensured that all employees were thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities for the schools listed in paragraph 31.
52. Respondent’s failure to apply for an EPA identification number, to place all hazardous waste in containers or tanks clearly marked with the date upon which each period of accumulation begins, and labeled with the words “Hazardous Waste,” and to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities, as required by 40 C.F.R. §§ 262.12, 262.34(d)(5)(iii), 262.34(d)(4), 262.34(a)(2), and 262.34(a)(3) means that Respondent did not meet the hazardous waste standards found in 40 C.F.R. §§ 262-266, 268, 270, and 124, and the notification requirements of section 3010 of RCRA (42 U.S.C. § 6930) with respect to the spent fluorescent lamps observed by EPA inspectors at the schools listed in paragraph 31.

Respondent Did Not Meet the Universal Waste Standards

53. Pursuant to 40 C.F.R. § 273.13(d)(1), small quantity handlers of universal waste must manage spent fluorescent lamps to prevent releases of any universal waste or a component of universal waste into the environment, ensuring that lamps are managed in closed, structurally sound containers, adequate to prevent breakage, that lack evidence of leakage or damage.
54. As of the inspection dates, the spent fluorescent lamps observed by EPA inspectors were accumulated at the schools listed in paragraph 31 in open containers, without containers, and in a manner not adequate to prevent breakage and the release of universal waste or a component of universal waste to the environment in violation of 40 C.F.R. § 273.13(d)(1).
55. Pursuant to 40 C.F.R. § 273.14(e), a small quantity handler of universal waste must label or mark each lamp or container with one of the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).”

56. As of the inspection dates, Respondent failed to properly label or mark each lamp or container with respect to the spent fluorescent lamps observed by EPA inspectors at the schools listed in paragraph 31 in violation of 40 C.F.R. § 273.14(e).
57. Pursuant to 40 C.F.R. § 273.15(c), a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or was received. The regulation sets forth six methods of making such a demonstration: (1) placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became waste or was received; (2) marking or labeling each individual item of universal waste with the date it became a waste or was received; (3) maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received; (4) maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received; (5) placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or (6) any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or was received.
58. As of the inspection dates, Respondent failed to implement either of the six methods to demonstrate the length of time the spent fluorescent lamps observed by EPA inspectors at the schools listed in paragraph 31 had been accumulated, and this failure is a violation of 40 C.F.R. § 273.15(c).
59. Respondent's failure to manage the spent fluorescent lamps to prevent releases of any universal waste, to properly mark each lamp or container, and to demonstrate the length of time the spent fluorescent lamps accumulated at the schools listed in paragraph 31 means that Respondent failed to comply with the universal waste standards found in 40 C.F.R. § 273.

Respondent Failed to Satisfy Any of the Compliance Options for Handling Universal Waste Lamps

60. As described in paragraphs 35-59, with respect to the spent fluorescent lamps observed by EPA inspectors at the schools listed in paragraph 31, Respondent failed to meet any of the three compliance options for handling universal waste and is therefore in violation of the requirements for handling universal waste found in 40 C.F.R. § 261.5, 40 C.F.R. §§ 262-266, 268, 270, and 124 and the notification requirements of section 3010 of RCRA (42 U.S.C. § 6930), and 40 C.F.R. § 273.

COUNT 4 - Failure to Properly Clean Up a Spill of Spent Fluorescent Lamps

61. Complainant realleges each allegation contained in paragraphs 1 through 60 as if fully set forth herein.

62. As of the inspection dates, the fluorescent lamps observed by EPA at the schools listed in paragraph 31 were broken, spent fluorescent lamps that had not been cleaned up at the following facilities:
- Haskell Indian Nations University
 - Marty Indian School
 - Santa Rosa Boarding School
 - St. Francis School
63. As stated in paragraph 38, the broken, spent fluorescent lamps were both hazardous waste and universal waste as defined in 40 C.F.R. § 261.24 and 40 C.F.R. § 273.9.
64. Respondent was required to respond to the spills of universal waste at the schools listed in paragraph 62 utilizing one of the following three compliance options: (1) the CESQG requirements found at 40 C.F.R. § 261.5; (2) the hazardous waste standards found in 40 C.F.R. §§ 262-266, 268, 270, and 124 and the notification requirements of section 3010 of RCRA (42 U.S.C. § 6930); or (3), the universal waste standards found in 40 C.F.R. § 273.
65. As alleged in paragraphs 30-34, Respondent's failure to make a waste determination for spent fluorescent lamps at the schools listed in paragraph 31 precluded Respondent from utilizing the CESQG requirements found at 40 C.F.R. § 261.5 as a compliance option, including any provisions in section 261.5 for responding to the spill of broken, spent fluorescent lamps at the schools listed in paragraph 62.
66. To comply with the hazardous waste standards found in 40 C.F.R. §§ 262-266, 268, 270, and 124 and the notification requirements of section 3010 of RCRA (42 U.S.C. § 6930) with respect to the spills of broken, spent fluorescent lamps, a generator must either: (1) transfer the spilled, broken fluorescent lamps to a container that is in good condition or manage the waste in some other way that complies with the requirements of § 265 as required by 40 C.F.R. §§ 262.34(a)(1)(i) and 265.171; or (2), if Respondent generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month, contain the flow of hazardous waste to the extent possible, and as soon as practicable, clean up the hazardous waste and any contaminated materials or soil as required by 40 C.F.R. § 262.34(d)(5).
67. As of the inspection dates, Respondent failed to transfer the broken, spent fluorescent lamps observed by EPA inspectors at the schools listed in paragraph 62 to a container in good condition or to manage the waste in some other way that complies with 40 C.F.R. § 265 as required by 40 C.F.R. §§ 262.34(a)(1)(i) and 265.171. Respondent also failed to contain the flow to the extent possible and to clean up the hazardous waste as soon as practical as required by 40 C.F.R. § 262.34(d)(5). Respondent therefore failed to comply with the hazardous waste standards for managing spills found in 40 C.F.R. §§ 262-266, 268, 270, and 124 and the notification requirements of section 3010 of RCRA (42 U.S.C. § 6930) with respect to the broken, spent fluorescent lamps observed by EPA inspectors at the schools listed in paragraph 62.

68. To comply with the universal waste standards found at 40 C.F.R. § 273, a small quantity handler of universal waste must immediately clean up and place in a structurally sound, closed container any lamp that shows evidence of breakage, leakage or damage that could cause the release of mercury or other hazardous constituents to the environment as required by 40 C.F.R. § 273.13(d)(2).
69. As of the inspection dates, Respondent failed to immediately clean up and place in a structurally sound, closed container spent fluorescent lamps that were broken or showed evidence of breakage, leakage, or damage that may have resulted in mercury vapor being released to the environment as required by 40 C.F.R. § 273.13(d)(2). Respondent therefore failed to comply with the universal waste standards found in 40 C.F.R. § 273 with respect to the broken, spent fluorescent lamps observed by EPA inspectors at the schools listed in paragraph 62.
70. As described in paragraphs 60-69, Respondent failed to meet any of the three options for responding to the spills of broken, spent fluorescent lamps observed by EPA inspectors at the schools listed in paragraph 62 and is therefore in violation of the requirements for properly handling a spill of broken, spent fluorescent lamps found in 40 C.F.R. § 261.5, 40 C.F.R. §§ 262-266, 268, 270, and 124 and the notification requirements of section 3010 of RCRA (42 U.S.C. § 6930), and 40 C.F.R. § 273.

COUNT 5 - Off-Site Transport of Universal Waste

71. Complainant realleges each allegation contained in paragraphs 1 through 70 as if fully set forth herein.
72. At an inspection conducted by EPA at the Chemawa Indian School on June 6, 2007, EPA inspectors were told by employees that the school had transferred its spent fluorescent lamps and other hazardous material to at least one disposal facility not registered as a universal waste handler in the state of Oregon.
73. Respondent was required to arrange for the transportation and disposal of its spent fluorescent lamps at its schools utilizing one of the following three options: (1) the CESQG requirements found at 40 C.F.R. § 261.5; (2) the hazardous waste standards found in 40 C.F.R. §§ 262-266, 268, 270, and 124 and the notification requirements of section 3010 of RCRA (42 U.S.C. § 6930); or (3), the universal waste standards found in 40 C.F.R. § 273.
74. As alleged in paragraphs 30-34, Respondent's failure to make a waste determination for spent fluorescent lamps at the schools listed in paragraph 31 precluded Respondent from utilizing the CESQG requirements found at 40 C.F.R. § 261.5 as a compliance option, including any provisions in § 261.5 for transporting and disposing of spent fluorescent lamps.
75. To comply with the hazardous waste standards found in 40 C.F.R. §§ 262-266, 268, 270, and 124 and the notification requirements of section 3010 of RCRA (42 U.S.C. § 6930) with respect to the transfer and disposal of spent fluorescent lamps, a generator must

prepare an appropriate manifest designating a properly permitted facility that will handle the waste in accordance with 40 C.F.R. § 262.20.

76. As of the inspection dates, manifests for the transfer and disposal of spent fluorescent lamps as required by 40 C.F.R. § 262.20 had not been prepared at the Chemawa Indian School. Respondent therefore failed to comply with the hazardous waste standards found in 40 C.F.R. §§ 262-266, 268, 270, and 124 and the notification requirements of section 3010 of RCRA (42 U.S.C. § 6930) with respect to the transfer and disposal of spent fluorescent lamps at Chemawa Indian School.
77. To comply with the universal waste standard in 40 C.F.R. § 273, a small quantity handler of universal waste must not send or take universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination as required by 40 C.F.R. §§ 273.18 and 273.55.
78. As of the inspection dates, Respondent transferred its spent fluorescent lamps and other hazardous material to at least one disposal facility not registered as a universal waste handler in the state of Oregon as required by OAR-340-100-0002 in violation of 40 C.F.R. §§ 273.18 and 273.55. Respondent therefore failed to comply with the universal waste standards found in 40 C.F.R. § 273 with respect to the transfer and disposal of spent fluorescent lamps at Chemawa Indian School.
79. As described in paragraphs 71 through 78, Respondent failed to meet any of the three options for transporting and disposing of spent fluorescent bulbs at Chemawa Indian School and is therefore in violation of the requirements for properly transporting and disposing of spent fluorescent lamps found in 40 C.F.R. § 261.5, 40 C.F.R. §§ 262-266, 268, 270, and 124 and the notification requirements of section 3010 of RCRA (42 U.S.C. § 6930), and 40 C.F.R. § 273.

COUNT 6 - Failure to Properly Store Used Oil

80. Complainant realleges each allegation contained in paragraphs 1 through 79 as if fully set forth herein.
81. Pursuant to 40 C.F.R. § 279.22(c)(1), containers used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”
82. As of the dates of inspections, EPA inspectors observed used oil stored by Respondent in containers without labeling or marking clearly with the words “Used Oil” at the following schools:
 - Chemawa Indian School
 - Haskell Indian Nations University
 - Hopi Day School
 - Hopi Junior/Senior High School
 - Indian Township School
 - Kayenta Community School
 - Marty Indian School

- Muckleshoot Tribal School
 - Northern Cheyenne Tribal School
 - St. Francis School
 - Sherman Indian High School
 - Shonto Preparatory School
83. Respondent failed to label or mark clearly with the words “Used Oil” containers used to store oil at the schools listed in paragraph 82 in violation of 40 C.F.R. § 279.22(c)(1).
 84. Pursuant to 40 C.F.R. § 279.22(c)(2), fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words “Used Oil.”
 85. As of the inspection dates, Respondent stored used oil without labeling or marking fill pipes used to transfer used oil into underground storage tanks clearly with the words “Used Oil” at Tohono O’Odham High School.
 86. Respondent failed to label or clearly mark fill pipes used to transfer used oil into underground storage tanks with the words “Used Oil” at the Tohono O’Odham High School in violation of 40 C.F.R. § 279.22(c)(2).

COUNT 7 - Failure to Properly Respond to Releases of Used Oil

87. Complainant realleges each allegation contained in paragraphs 1 through 86 as if fully set forth herein.
88. Pursuant to 40 C.F.R. § 279.22(d), upon detection of a release of used oil to the environment, a generator must: (1) stop the release; (2) contain the released used oil; (3) clean up and properly manage the released used oil and other materials; and (4) if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
89. As of the inspection dates, EPA inspectors observed used oil and unknown wastes leaking from containers at Haskell Indian Nations University.
90. As of the inspection date, Respondent had not stopped releases from containers of used oil and unknown wastes and had failed to clean up, and manage properly, the released used oil and unknown wastes that were observed by EPA inspectors at Haskell Indian Nations University.
91. Respondent failed to stop releases from containers of used oil and failed to clean up, and manage properly, the released used oil and unknown wastes at the Haskell Indian Nations University in violation of 40 C.F.R. § 279.22(d).

B. Clean Air Act

Findings of Fact and Conclusions of Law

92. Complainant realleges each allegation contained in paragraphs 1 through 91 as if fully set forth herein.
93. Respondent is a “person” as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
94. Respondent owns and/or operates the Sherman Indian High School.
95. On or about May 1, 2006, authorized representatives of EPA inspected Respondent’s facility known as Sherman Indian High School.
96. Section 608 of the CAA, 42 U.S.C. § 7671(g), requires the Administrator of EPA to promulgate regulations establishing standards and requirements regarding the use and disposal of “Class I” and “Class II” ozone-depleting substances.
97. On May 14, 1993, in accordance with Section 608 of the CAA, 42 U.S.C. § 7671(g), EPA promulgated regulations applicable to Recycling and Emissions Reduction, 40 C.F.R. § 82 Subpart F (the Subpart F regulations).
98. Pursuant to 40 C.F.R. § 82.150(b), the Subpart F regulations apply to any “person” servicing, maintaining or repairing “appliances,” as those terms are defined at 40 C.F.R. § 82.152.
99. DOI is a “person” servicing, maintaining or repairing “appliances” as those terms are defined at 40 C.F.R. § 82.152.
100. “Appliance” is defined in 40 C.F.R § 85.152 as, “any device which contains and uses a Class I or Class II substance as a refrigerant and which is used for household or commercial purposes, including any air conditioner, refrigerator, chiller or freezer.”
101. “Refrigerant” is defined in 40 C.F.R. § 82.152 as, “any substance consisting in part or whole of a Class I or Class II ozone-depleting substance that is used for heat transfer purposes and provides a cooling effect.” Class I and Class II ozone-depleting substances are listed in section 602 of the CAA, 42 U.S.C. § 7671a.

COUNT 8 – Failure to Keep Records Documenting Service of an Appliance Containing Ozone-Depleting Substances

102. Complainant realleges each allegation contained in paragraphs 1 through 101 as if fully set forth herein.
103. Pursuant to 40 C.F.R. § 82.166(k) of the Subpart F regulations, owners and operators of appliances normally containing 50 or more pounds of refrigerant must keep servicing records documenting the date and type of service, as well as the quantity of added refrigerant.

104. On or about May 1, 2006, authorized representatives of EPA observed that two air conditioning units in the Sherman Indian High School auditorium appeared to contain 50 pounds or more of a Class I or Class II refrigerant and were therefore “appliances” within the meaning of 40 C.F.R. § 82.152.
105. At the time of the inspection, a maintenance employee at Sherman Indian High School stated that about a year earlier, the full charge of refrigerant was lost from one of the air conditioning units in the auditorium. The school hired a contractor to fix the unit and replace the 120 pounds of lost refrigerant.
106. As of the date of inspection, Respondent had no service records documenting the date and type of service or the quantity of refrigerant added during the service work described in paragraph 105. As a result, Respondent failed to keep servicing records in violation of 40 C.F.R. § 82.166(k).

C. Asbestos Hazard Emergency Response Act

Findings of Fact and Conclusions of Law

107. Complainant realleges each allegation contained in paragraphs 1 through 106 as if fully set forth herein.
108. Complainant has determined that Respondent has violated certain requirements of TSCA set forth at 15 U.S.C. §§ 2641-2656 and the federal regulations implementing AHERA set forth at 40 C.F.R. § 763, Subpart E.
109. Respondent is a department, agency, or instrumentality of the executive, legislative, or judicial branches of the federal government.
110. Respondent is a “Local Education Agency” (“LEA”) as that term is defined under Section 202(7) of TSCA, 15 U.S.C. § 2642(7), and 40 C.F.R. § 763.83.
111. Each facility, as described in Appendix C, is a “school” as that term is defined at Section 202(12) of TSCA, 15 U.S.C. § 2642(12), and 40 C.F.R. § 763.83.
112. Each facility consists of at least one or more separate “school building” as that term is defined at Section 202(13) of TSCA, 15 U.S.C. § 2642(13), and 40 C.F.R. § 763.83.
113. At all times relevant to this Consent Agreement and Final Order, Respondent was the LEA for each facility.
114. Between October 1, 2004 and June 30, 2008, pursuant to Section 11 of TSCA, 15 U.S.C. § 2610, authorized representatives of EPA conducted inspections of the schools to determine compliance with AHERA.

COUNT 9 - Failure to Inspect Each School Building to Identify All Locations of Friable and Nonfriable Asbestos Containing Building Material

115. Complainant realleges each allegation contained in paragraphs 1 through 114 as if fully set forth herein.
116. Pursuant to 40 C.F.R. § 763.85(a), each LEA must have each school building properly inspected by an accredited inspector to identify all locations of friable and nonfriable Asbestos Containing Building Material (“ACBM”).
117. Pursuant to 40 C.F.R. § 763.93(d), each LEA must “maintain and update its management plan to keep it current with...inspection...activities.”
118. During the dates of inspections, the EPA inspector discovered that Respondent had failed to inspect each school building to identify all locations of friable and nonfriable ACBM and/or failed to update the management plan to reflect the inspection, at the following schools:
 - Coeur d'Alene Tribal School
 - Crow Creek Reservation High School
 - Little Wound School
 - Northern Cheyenne Tribal School
 - Ojo Encino Day School
 - Pine Ridge School
 - Porcupine School
 - T'siya Elementary/Middle School
119. Respondent failed to inspect each school building to identify all locations of friable and nonfriable ACBM and/or to update the management plan to reflect the inspection at the schools listed in paragraph 118 in violation of 40 C.F.R. § 763.85(a) and 763.93(d).

COUNT 10 - Failure to Develop and Submit an Asbestos Management Plan

120. Complainant realleges each allegation contained in paragraphs 1 through 119 as if fully set forth herein.
121. Pursuant to 40 C.F.R. § 763.93(a), each LEA must develop and submit an asbestos management plan for each school, including all buildings they lease, own, or otherwise use as school buildings.
122. During the dates of inspections, the EPA inspectors discovered that Respondent failed to develop and submit an asbestos management plan at the following schools:
 - Blackwater Community School
 - Coeur d'Alene Tribal School
 - Eufaula Dormitory
 - Northern Cheyenne Tribal School

123. Respondent failed to develop and submit an asbestos management plan for the schools listed in paragraph 122 in violation of 40 C.F.R. § 763.93(a).

COUNT 11 - Failure to Update Management Plans

124. Complainant realleges each allegation contained in paragraphs 1 through 123 as if fully set forth herein.
125. Pursuant to 40 C.F.R. § 763.93(d), each LEA must maintain and update its asbestos management plan to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities.
126. During the dates of inspections, the EPA inspectors discovered that Respondent failed to update the asbestos management plans at the following schools:
- Chemawa Indian School
 - Choctaw Central Middle School
 - Choctaw Central High School
 - Nenahnezah Community School
127. Respondent failed to update the management plans for the schools listed in paragraph 126 in violation of 40 C.F.R. § 763.93(d).

COUNT 12 - Failure to Provide Annual Written Notification to Parent, Teacher, and Employee Organizations of the Availability of the Management Plan

128. Complainant realleges each allegation contained in paragraphs 1 through 127 as if fully set forth herein.
129. Pursuant to 40 C.F.R. § 763.93(g)(4), at least once each school year, each LEA must provide written notification to parent, teacher, and employee organizations of the availability of management plans and must include in the management plan a description of the steps taken for such notification, and a dated copy of the notification.
130. During the dates of inspections, the EPA inspectors discovered that Respondent failed to provide annual written notification to parent, teacher, and employee organizations of the availability of the management plan at the following schools:
- American Horse School
 - Bug-O-Nay-Ge-Shig School
 - Cheyenne Eagle-Butte School
 - Chitimacha Day School
 - Choctaw Central Middle School
 - Choctaw Central High School
 - Ch'ooshgai Community School
 - Crazy Horse School
 - Crow Creek Reservation High School
 - Dunseith Day School

- Gila Crossing Community School
- Jicarilla Dormitory/School
- Jones Academy
- Laguna Elementary School
- Laguna Middle School
- Little Wound School
- Lower Brule Day School
- Menominee Tribal School
- Northern Cheyenne Tribal School
- Pine Ridge School
- Porcupine School
- Quileute Tribal School
- San Felipe Elementary School
- San Ildelfonso Day School
- Sicangu Owaye Oti (Rosebud) Dormitory
- Sky City Community School
- Taos Day School
- Te Tsu Geh Oweenge Day School
- T'siya Elementary/Middle School
- Wounded Knee School
- Yakama Nation Tribal School

131. Respondent failed to provide annual written notification to parent, teacher, and employee organizations of the availability of the management plan for the schools listed in paragraph 130 in violation of 40 C.F.R. § 763.93(g)(4).

COUNT 13 - Failure to Provide Annual Notification to Workers and Building Occupants or Legal Guardians

132. Complainant realleges each allegation contained in paragraphs 1 through 131 as if fully set forth herein.
133. Pursuant to 40 C.F.R. § 763.84(c), each LEA must ensure that workers and building occupants, or their legal guardians, are informed at least once every school year about inspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress.
134. During the dates of inspections, the EPA inspector discovered that Respondent failed to provide annual notification at the following schools:
- American Horse School
 - Cheyenne Eagle-Butte School
 - Crazy Horse School
 - Crow Creek Reservation High School
 - Dunseith Day School
 - Laguna Elementary School
 - Little Wound School

- Lower Brule Day School
 - Northern Cheyenne Tribal School
 - Pine Ridge School
 - Porcupine School
 - San Ildelfonso Day School
 - Sky City Community School
 - Te Tsu Geh Oweenge Day School
 - Wounded Knee School
135. Respondent failed to provide annual notification to workers and building occupants, or their legal guardians for the schools listed in paragraph 134 in violation of 40 C.F.R. § 763.84(c).

COUNT 14 - Failure to Designate a Person to Ensure that AHERA Requirements are Met

136. Complainant realleges each allegation contained in paragraphs 1 through 135 as if fully set forth herein.
137. Pursuant to 40 C.F.R. § 763.84(g)(1), each LEA must designate a person to ensure that AHERA requirements are properly implemented.
138. Pursuant to 40 C.F.R. § 763.93(e)(4), each LEA must include in the management plan the name, address, and telephone number of the person designated under 40 C.F.R. § 763.84.
139. During the dates of inspections, the EPA inspector discovered that Respondent failed to designate a person to ensure that AHERA requirements are met and/or failed to include that person's name, address, and telephone number in the management plan, at the following schools:
- American Horse School
 - Chitimacha Day School
 - Ch'ooshgai Community School
 - Crazy Horse School
 - Jicarilla Dormitory/School
 - Jones Academy
 - Laguna Middle School
 - Menominee Tribal School
 - Nenahnezah Community School
 - Northern Cheyenne Tribal School
 - San Felipe Elementary School
 - San Ildelfonso Day School
 - Sanostee Day School
 - Sky City Community School
 - St. Francis School
 - Taos Day School
 - Te Tsu Geh Oweenge Day School

- T'siya Elementary/Middle School
140. Respondent failed to designate a person to ensure that AHERA requirements are met and/or to include that person's name, address, and telephone number in the management plan at the schools listed in paragraph 139 in violation of 40 C.F.R. § 763.84(g)(1) and 763.93(e)(4).

COUNT 15 - Failure to Ensure that the Designated Person Receives Adequate Training

141. Complainant realleges each allegation contained in paragraphs 1 through 140 as if fully set forth herein.
142. Pursuant to 40 C.F.R. § 763.84(g)(2), each LEA must ensure that the designated person receives adequate training to perform duties assigned.
143. Pursuant to 40 C.F.R. § 763.93(e)(4), each LEA must include in the management plan the training information of the person designated under 40 C.F.R. § 763.84.
144. During the dates of the inspections, the EPA inspectors discovered that Respondent failed to ensure that the designated person received adequate training at the following schools and/or failed to include that person's training information in the management plan:
- American Horse School
 - Dunseith Day School
 - Little Wound School
 - Porcupine School
145. Respondent failed to ensure that the designated person received adequate training and/or to include that person's training information in the management plan for the schools listed in paragraph 144 in violation of 40 C.F.R. §§ 763.84(g)(2) and 763.93(e)(4).

COUNT 16 - Failure to Reinspect Once Every Three Years

146. Complainant realleges each allegation contained in paragraphs 1 through 145 as if fully set forth herein.
147. Pursuant to 40 C.F.R. § 763.85(b)(1), at least once every three years after a management plan is in effect, each LEA must conduct a reinspection of all friable and nonfriable known or assumed ACBM in each school building that they lease, own, or otherwise use as a school building.
148. Pursuant to 40 C.F.R. § 763.93(d), each LEA must "maintain and update its management plan to keep it current with...reinspection...activities."

149. During the dates of inspections, the EPA inspectors discovered that Respondent failed to conduct the three year reinspection and/or failed to update the management plan to reflect the reinspection at the following schools:

- American Horse School
- Ch'ooshgai Community School
- Crazy Horse School
- Dzilh-O-Dith-Hle Community School
- Gila Crossing Community School
- Jicarilla Dormitory/School
- Keams Canyon Elementary School
- Laguna Elementary School
- Little Wound School
- Lower Brule Day School
- Pine Ridge School
- Porcupine School
- Quileute Tribal School
- San Felipe Elementary School
- San Ildelfonso Day School
- Sky City Community School
- St. Francis School
- Standing Rock Community Grant School
- Taos Day School
- Te Tsu Geh Oweenge Day School

150. Respondent failed to conduct the three year reinspections and/or to update the management plan to reflect the reinspection for the schools listed in paragraph 149 in violation of 40 C.F.R. §§ 763.85(b)(1) and 763.93(d).

COUNT 17 - Failure to Properly Maintain Asbestos Containing Thermal Systems

151. Complainant realleges each allegation contained in paragraphs 1 through 150 as if fully set forth herein.

152. Pursuant to 40 C.F.R. § 763.90(b), if damaged or significantly damaged thermal system insulation Asbestos Containing Material (“ACM”) is present in a building, the LEA must repair or remove the damaged material and maintain all thermal system insulation ACM and its covering in an intact state and undamaged condition.

153. During the dates of inspections, the EPA inspectors discovered that Respondent failed to properly maintain asbestos containing thermal systems at the following schools:

- Northern Cheyenne Tribal School
- Ojibwa Indian School
- Standing Rock Community Grant School

154. Respondent failed to properly maintain asbestos containing thermal systems for the

schools listed in paragraph 153 in violation of 40 C.F.R. § 763.90(b).

COUNT 18 - Failure to Properly Respond to Damaged Friable ACM

155. Complainant realleges each allegation contained in paragraphs 1 through 154 as if fully set forth herein.
156. Pursuant to 40 C.F.R. § 763.90(c) and (d), each LEA must respond to damaged friable ACM by selecting from among listed response actions to protect human health and the environment.
157. During the dates of inspections, the EPA inspectors discovered that Respondent had failed to properly respond to damaged friable ACM at Northern Cheyenne Tribal School.
158. Respondent failed to properly respond to damaged friable ACM at Northern Cheyenne Tribal School in violation of 40 C.F.R. § 763.90(c) and (d).

COUNT 19 - Failure to Ensure Proper Asbestos Awareness Training for All Custodial and Maintenance Staff

159. Complainant realleges each allegation contained in paragraphs 1 through 158 as if fully set forth herein.
160. Pursuant to 40 C.F.R. § 763.92(a)(1) and (2) all custodial and maintenance staff must receive at least two hours of asbestos awareness training and any staff who conduct any activities that will result in the disturbance of ACBM must receive 14 hours of additional training.
161. Pursuant to 40 C.F.R. § 763.94(c), for each person required to be trained under 40 C.F.R. § 763.92(a), the LEA must maintain a record of the person's name and job title, the date that training was completed by that person, the location of the training, and the number of hours completed in such training.
162. During the dates of inspections, the EPA inspectors discovered that Respondent failed to ensure proper asbestos awareness training for all custodial and maintenance staff and/or failed to retain records for asbestos awareness training given to maintenance and custodial staff at the following schools:
 - Bug-O-Nay-Ge-Shig School
 - Choctaw Central Middle School
 - Choctaw Central High School
 - Ch'ooshgai Community School
 - Circle of Life Survival School
 - Dunseith Day School
 - Dzilh-O-Dith-Hle Community School
 - Gila Crossing Community School
 - Jicarilla Dormitory

- Jones Academy
- Little Wound School
- Northern Cheyenne Tribal School
- Oneida Tribal School
- Pueblo Pintado Community School
- Quileute Tribal School
- San Felipe Elementary School
- San Ildelfonso Day School
- Sanostee Day School
- Taos Day School
- Te Tsu Geh Oweenge Day School
- Tohaali Community School

163. Respondent failed to ensure proper asbestos awareness training for all custodial and maintenance staff and/or to maintain records of such training at the schools listed in paragraph 162 in violation of 40 C.F.R. §§ 763.92(a) and 763.94(c).

COUNT 20 - Failure to Maintain Required Abatement Records

164. Complainant realleges each allegation contained in paragraphs 1 through 163 as if fully set forth herein.
165. Pursuant to 40 C.F.R. § 763.94(a), for each abatement action performed, the LEA must ensure that records are retained for three years after the next reinspection required under 40 C.F.R. § 763.85(b)(1), or for an equivalent period.
166. During the dates of inspections, the EPA inspectors discovered that Respondent had failed to maintain required abatement records at the following schools:
- Ahafachfee Day School
 - Northern Cheyenne Tribal School
167. Respondent failed to maintain required abatement records for the schools listed in paragraph 166 in violation of 40 C.F.R. § 763.94(a).

COUNT 21 - Failure to Maintain Records of Preventative Measures and Response Actions

168. Complainant realleges each allegation contained in paragraphs 1 through 167 as if fully set forth herein.
169. Pursuant to 40 C.F.R. § 763.94(b), the LEA must maintain records for each preventive measure and response action taken for friable and nonfriable ACBM and friable and nonfriable suspected ACBM assumed to be ACM.
170. During the dates of inspections, the EPA inspectors discovered that Respondent failed to maintain records of preventative measures and response actions at the following schools:

- Northern Cheyenne Tribal School
 - Quileute Tribal School
171. Respondent failed to maintain records of preventative measures and response actions at the schools in paragraph 170 in violation of 40 C.F.R. § 763.94(b).

COUNT 22 - Failure to Attach Asbestos Warning Labels

172. Complainant realleges each allegation contained in paragraphs 1 through 171 as if fully set forth herein.
173. Pursuant to 40 C.F.R. § 763.95(a), the LEA must attach a warning label immediately adjacent to any friable and nonfriable ACBM and suspected ACBM assumed to be ACM located in routine maintenance areas at each school building.
174. During the date of inspection, the EPA inspector discovered that Respondent failed to attach asbestos warning labels at Northern Cheyenne Tribal School, as required by the regulations.
175. Respondent failed to attach asbestos warning labels at Northern Cheyenne Tribal School in violation of 40 C.F.R. § 763.95(a).

COUNT 23 - Failure to Conduct Periodic Surveillance

176. Complainant realleges each allegation contained in paragraphs 1 through 175 as if fully set forth herein.
177. Pursuant to 40 C.F.R. § 763.92(b), the LEA must conduct and record periodic surveillance in each building that contains ACBM or is assumed to contain ACBM, at least every 6 months.
178. Pursuant to 40 C.F.R. § 763.93(d), each LEA must “maintain and update its management plan to keep it current with... periodic surveillance ...activities.”
179. Pursuant to 40 C.F.R. § 763.94(a) and (d), each LEA must maintain in a centralized location records for each time that periodic surveillance is performed.
180. During the dates of inspections, the EPA inspectors discovered that Respondent failed to conduct periodic surveillance every 6 months and/or failed to update the management plan to reflect the periodic surveillance and/or failed to maintain records of the periodic surveillance at the following schools:
- American Horse School
 - Bug-O-Nay-Ge-Shig School
 - Cheyenne Eagle-Butte School
 - Choctaw Central Middle School
 - Choctaw Central High School
 - Ch'ooshgai Community School

- Circle of Life Survival School
- Crazy Horse School
- Jicarilla Dormitory/School
- Jones Academy
- Laguna Elementary School
- Laguna Middle School
- Little Wound School
- Menominee Tribal School
- Northern Cheyenne Tribal School
- Ojibwa Indian School
- Pine Ridge School
- Porcupine School
- Riverside Indian School
- San Felipe Elementary School
- San Ildelfonso Day School
- Sicangu Owaye Oti (Rosebud) Dormitory
- Sky City Community School
- St. Francis School
- Standing Rock Community Grant School
- Taos Day School
- Te Tsu Geh Oweenge Day School
- Wounded Knee School

181. Respondent failed to conduct periodic surveillance every 6 months and/or to update the management plan to reflect the periodic surveillance and/or to maintain records of the periodic surveillance at the schools in paragraph 180 in violation of 40 C.F.R. §§ 763.92(b), 763.93(d) and 763.94(a) and (d).

D. Safe Drinking Water Act

Findings of Fact and Conclusions of Law

182. Complainant realleges each allegation contained in paragraphs 1 through 181 as if fully set forth herein.
183. Respondent is a “federal agency” as that term is defined in Section 1401 of the SDWA, 42 U.S.C. § 300f (11).
184. Respondent is a “person” within the meaning of 40 C.F.R. § 141.2 for purposes of federal enforcement.
185. Respondent owns and/or operates those public water systems (“PWSs” or “Systems”) listed in Appendix D.
186. Each of the Systems serves an average of at least 25 individuals daily at least 60 days a year and is therefore a “public water system” within the meaning of section 1401(4) of

the SDWA, 42 U.S.C. § 300f(4), and is either a “community water system” or “non-transient non-community water system” within the meaning of 40 C.F.R. § 141.2.

187. Respondent owns and/or operates the Systems and therefore is a “supplier of water” within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f (5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of part B of the SDWA, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. § 141.
188. EPA reviewed data files for public water systems between FY 2004-2008 and found the following violations:

COUNT 24 – Failure to Conduct Coliform Routine Sampling

189. Complainant realleges each allegation contained in paragraphs 1 through 188 as if fully set forth herein.
190. Pursuant to 40 C.F.R. § 141.21(a), PWSs must collect total coliform samples at sites that are representative of water throughout the distribution system according to a written sample siting plan.
191. Respondent failed to perform bacteriological monitoring for total coliform at the Crazy Horse School System during the period March 1-31, 2005, in violation of 40 C.F.R. § 141.21(a).
192. Respondent failed to perform bacteriological monitoring for total coliform at the Wounded Knee District School System during the period September 1-30, 2005, in violation of 40 C.F.R. § 141.21(a).
193. Respondent failed to perform bacteriological monitoring for total coliform at the Chemawa Indian School System during the periods February 1-28, 2005; March 1-31, 2005; April 1-30, 2005; May 1-31, 2005; July 1-31, 2005; November 1-30, 2005; and October 1-31, 2006, in violation of 40 C.F.R. § 141.21(a).
194. Respondent failed to perform bacteriological monitoring for total coliform at the Indian School District #512 System during the periods March 1-31, 2005; August 1-31, 2005; September 1-30, 2007; and November 1-30, 2007, in violation of 40 C.F.R. § 141.21(a).
195. Respondent failed to perform bacteriological monitoring for total coliform at the BIA Keams Canyon during the periods February 1-28, 2005; March 1-31, 2005; April 1-30, 2005; May 1-31, 2005; June 1-30, 2005; July 1-31, 2005; August 1-31, 2005; September 1-30, 2005; November 1-30, 2005; December 1-31, 2005; March 1-31, 2006; and May 1-31, 2008, in violation of 40 C.F.R. § 141.21(a).
196. Respondent failed to perform bacteriological monitoring for total coliform at the Hopi High School System during the periods March 1-31, 2005; October 1-31, 2005; March 1-31, 2006; and April 1-30, 2006, in violation of 40 CFR § 141.21(a).

197. Respondent failed to perform bacteriological monitoring for total coliform at the Hotevilla Bacavi Community School System during the periods July 1-31, 2005; August 1-31, 2005; September 1-30, 2005; May 1-31, 2006; June 1-30, 2006; December 1-31, 2007; and January 1-31, 2008, in violation of 40 C.F.R. § 141.21(a).
198. Respondent failed to perform bacteriological monitoring for total coliform at the Second Mesa Day School System during the periods July 1-30, 2007 and May 1-31, 2008, in violation of 40 C.F.R. § 141.21(a).
199. Respondent failed to perform bacteriological monitoring for total coliform at the American Horse School System during the periods February 1-28, 2005 and December 1-31, 2007, in violation of 40 C.F.R. § 141.21(a).
200. Respondent failed to perform bacteriological monitoring for total coliform at the Bug O-Nay-Ge-Shig School System during the period November 1-30, 2006, in violation of 40 C.F.R. § 141.21(a).
201. Respondent failed to perform bacteriological monitoring for total coliform at the Borrego Pass School System during the period November 1-30, 2006, in violation of 40 C.F.R. § 141.21(a).
202. Respondent failed to perform bacteriological monitoring for total coliform at the Cibecue School System during the periods July 1-31, 2005; September 1-30, 2005; December 1-31, 2005; May 1-31, 2006; June 1-30, 2006; July 1-31, 2006; December 1-31, 2006; January 1-31, 2007; and May 1-31, 2008, in violation of 40 C.F.R. § 141.21(a).
203. Respondent failed to perform bacteriological monitoring for total coliform at the St. Stephens Indian School System during the period January 1-31, 2006, in violation of 40 C.F.R. § 141.21(a).
204. Respondent failed to perform bacteriological monitoring for total coliform at the BIA JFK School System during the periods July 1-31, 2005; November 1-30, 2005; August 1-31, 2006; December 1-31, 2007; January 1-31, 2008; April 1-30, 2008; and June 1-30, 2008, in violation of 40 C.F.R. § 141.21(a).
205. Respondent failed to perform bacteriological monitoring for total coliform at the BIA T. Roosevelt School System during the periods July 1-31, 2005; November 1-30, 2005; October 1-31, 2007; December 1-31, 2007; January 1-31, 2008; April 1-30, 2008; and June 1-30, 2008, in violation of 40 C.F.R. § 141.21(a).

COUNT 25 - Failure to Conduct Coliform Repeat Monitoring

206. Complainant realleges each allegation contained in paragraphs 1 through 205 as if fully set forth herein.

207. Pursuant to 40 C.F.R. § 141.21(b), public water systems must collect a set of four repeat samples within 24 hours of being notified of a total coliform positive routine sample.
208. Respondent failed to collect a set of four repeat samples at the Hotevilla/Bacavi Community School System during the period August 2007, in violation of 40 C.F.R. § 141.21(b).
209. Respondent failed to collect a set of four repeat samples at the Cibique Community School System during the period May 2005 and August 2005, in violation of 40 C.F.R. § 141.21(b).

COUNT 26 - Failure to Deliver Consumer Confidence Rule Report

210. Complainant realleges each allegation contained in paragraphs 1 through 209 as if fully set forth herein.
211. Pursuant to 40 C.F.R. § 141, Subpart O, each community water system must provide an annual report to each customer. The report must contain information concerning the quality of water delivered by the system and characterize the risks, if any, from exposure to contaminants detected in the drinking water in an accurate and understandable manner.
212. Respondent failed to deliver the required report to the customers of the Pueblo Pintado Community School System during the periods July 1, 2005 to March 16, 2007 and July 1, 2006 to March 16, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
213. Respondent failed to deliver the required report to customers of the Ojo Encino Building School System during the periods of July 1, 2005 to March 16, 2007 and July 1, 2006 to March 16, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
214. Respondent failed to deliver the required report to customers of the Crazy Horse School System during the period of July 1, 2007 to October 18, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
215. Respondent failed to deliver the required report to customers of the Wounded Knee District School System during the period beginning July 1, 2007, in violation of 40 C.F.R. §§ 141.152 and 144.155.
216. Respondent failed to deliver the required report to customers of the Chemawa Indian School System during the period of July 1, 2007 to August 27, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
217. Respondent failed to deliver the required report to customers of the Indian School District #512 System during the periods of July 1, 2005 to July 11, 2007 and July 1, 2006 to July 11, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.

218. Respondent failed to deliver the required report to customers of the BIA Keams Canyon System during the period of July 1, 2005 to September 11, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
219. Respondent failed to deliver the required report to customers of the Hopi High School System during the period of July 1, 2005 to July 17, 2007, in violation of 40 C.F.R. §§ 141.152 and 41.155.
220. Respondent failed to deliver the required report to customers of the Hotevilla/Bacavi Community School System during the periods beginning July 1, 2005, July 1, 2006, and July 1, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
221. Respondent failed to deliver the required report to customers of the American Horse School System during the period of July 1, 2007 to December 6, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
222. Respondent failed to deliver the required report to customers of the Chichiltah Boarding School System during the periods of July 1, 2005 to March 16, 2007 and July 1, 2006 to March 16, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
223. Respondent failed to deliver the required report to customers of the Borrego Pass School System during the periods of July 1, 2005 to March 16, 2007 and July 1, 2006 to March 16, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
224. Respondent failed to deliver the required report to customers of the Huerfano Boarding School System during the period of July 1, 2005 to March 16, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
225. Respondent failed to deliver the required report to customers of the Ft. Wingate Elementary School System during the periods of July 1, 2005 to March 16, 2007 and July 1, 2006 to March 16, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
226. Respondent failed to deliver the required report to customers of the Ft. Wingate High School System during the periods of July 1, 2005 to March 16, 2007 and July 1, 2006 to March 16, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
227. Respondent failed to deliver the required report to customers of the Bread Springs Day School System during the periods of July 1, 2005 to April 13, 2007 and July 1, 2006 to April 13, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
228. Respondent failed to deliver the required report to customers of the Lake Valley Boarding School System during the periods of July 1, 2005 to March 16, 2007 and July 1, 2006 to March 16, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
229. Respondent failed to deliver the required report to customers of the Mariano Lake Boarding School System during the periods of July 1, 2005 to March 16, 2007 and July 1, 2006 to March 16, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.

- 230. Respondent failed to deliver the required report to customers of the Standing Rock Boarding School System during the periods of July 1, 2005 to March 16, 2007 and July 1, 2006 to March 16, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
- 231. Respondent failed to deliver the required report to customers of the Dzilthnaodithhle Boarding School System during the periods of July 1, 2005 to March 16, 2007 and July 1, 2006 to March 16, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.
- 232. Respondent failed to deliver the required report to customers of the Crownpoint Boarding School System during the periods of July 1, 2005 to March 16, 2007 and July 1, 2006 to March 16, 2007, in violation of 40 C.F.R. §§ 141.152 and 141.155.

COUNT 27 - Failure to Monitor for Lead and Copper – Follow-up and Routine Tap Sampling

- 233. Complainant realleges each allegation contained in paragraphs 1 through 232 as if fully set forth herein.
- 234. Pursuant to 40 C.F.R. § 141.86, small and medium size community and non-transient, non-community water systems must monitor tap water for lead and copper for each six-month compliance period.
- 235. Respondent failed to conduct the required monitoring at the Crazy Horse School System during the period October 1, 2004 to October 4, 2005, in violation of 40 C.F.R. § 141.86.
- 236. Respondent failed to conduct the required monitoring at the Wounded Knee Water System during the periods October 1, 2004 to October 4, 2005 and October 1, 2005 to March 13, 2006, in violation of 40 C.F.R. § 141.86.
- 237. Respondent failed to conduct the required monitoring at the Indian School Dist. #512 System during the period beginning October 1, 2007, in violation of 40 C.F.R. § 141.86.
- 238. Respondent failed to conduct the required monitoring at the St. Stephens Indian School System during the period beginning October 1, 2005, in violation of 40 C.F.R. § 141.86.
- 239. Respondent failed to conduct the required monitoring at the Hotevilla/Bacavi Community School System during the period July 1, 2007, to September 1, 2008, in violation of 40 C.F.R. § 141.86.
- 240. Respondent failed to conduct the required monitoring at the Flandreau BIA School System during the period beginning October 1, 2002, in violation of 40 C.F.R. § 141.86.

COUNT 28 - Failure to Monitor for Lead and Copper – Initial Tap Sampling

- 241. Complainant realleges each allegation contained in paragraphs 1 through 240 as if fully set forth herein.
- 242. Pursuant to 40 C.F.R. § 141.86, small and medium size community and non-transient, non-community water systems must conduct initial tap sampling for lead and copper for each six-month compliance period.
- 243. Respondent failed to conduct the required sampling at the Cibecue School System beginning July 1, 1996, in violation of 40 C.F.R. § 141.86.
- 244. Respondent failed to conduct the required sampling at the BIA JFK School System beginning July 1, 1996, in violation of 40 C.F.R. § 141.86.

COUNT 29 - Failure to Monitor for Radionuclides

- 245. Complainant realleges each allegation contained in paragraphs 1 through 244 as if fully set forth herein.
- 246. Pursuant to 40 C.F.R. § 141.26, community water systems must monitor for gross alpha particle activity, radium-226, radium-228, uranium, and beta particle and photon radioactivity.
- 247. Respondent failed to conduct the required monitoring for uranium at the Hopi High School System during the periods January 1, 2008 to March 31, 2008 and April 1, 2008 to June 30, 2008, in violation of 40 C.F.R. § 141.26.
- 248. Respondent failed to conduct the required monitoring for gross alpha particle activity, radium-226+228, and uranium at the Hotevilla/Bacavi Community School System during the period October 1, 2007 to December 31, 2007, in violation of 40 C.F.R. § 141.26.
- 249. Respondent failed to conduct the required monitoring for gross alpha particle activity, radium-226+228, uranium, and gross beta particle activity at the Second Mesa Day School System during the period January 1, 2008 to March 31, 2008, in violation of 40 C.F.R. § 141.26.

COUNT 30 - Failure to Monitor for Organic Chemicals

- 250. Complainant realleges each allegation contained in paragraphs 1 through 249 as if fully set forth herein.
- 251. Pursuant to 40 C.F.R. § 141.24, community water systems and non-transient non-community water systems must monitor for organic chemicals in accordance with the instructions in that section.

- 252. Respondent failed to conduct the required monitoring for volatile and synthetic organic chemicals (51 contaminants) at the Second Mesa Day School System during the period January 1, 2008 to March 31, 2008, in violation of 40 C.F.R. § 141.24.
- 253. Respondent failed to conduct the required monitoring for volatile and synthetic organic chemicals (51 contaminants) at the American Horse School System during the period January 1, 2005 to December 31, 2007, in violation of 40 C.F.R. § 141.24.
- 254. Respondent failed to conduct the required monitoring for volatile and synthetic organic chemicals (51 contaminants) at the St. Stephens Indian School System during the period January 1, 2005 to December 31, 2007, in violation of 40 C.F.R. § 141.24.
- 255. Respondent failed to conduct the required monitoring for volatile and synthetic organic chemicals (51 contaminants) at the Cibecue School System during the period January 1, 2005 to December 31, 2007, in violation of 40 C.F.R. § 141.24.

COUNT 31 - Failure to Monitor for Inorganic Chemicals

- 256. Complainant realleges each allegation contained in paragraphs 1 through 255 as if fully set forth herein.
- 257. Pursuant to 40 C.F.R. § 141.23, community water systems and non-transient non-community water systems must monitor for inorganic chemicals in accordance with the instructions in this section.
- 258. Respondent failed to conduct the required monitoring for barium, cadmium, chromium, free cyanide, fluoride, mercury, selenium, antimony, beryllium, and thallium at the Cibecue School System during the period January 1, 2005 to December 31, 2007, in violation of 40 C.F.R. § 141.23.

COUNT 32 - Failure to Monitor for Inorganic Chemicals – Nitrate

- 259. Complainant realleges each allegation contained in paragraphs 1 through 258 as if fully set forth herein.
- 260. Pursuant to 40 C.F.R. § 141.23, community water systems and non-transient non-community water systems must monitor for inorganic chemicals, specifically nitrate.
- 261. Respondent failed to conduct the required monitoring at the BIA Chemawa Indian School System during the periods April 1, 2006 to June 30, 2006 and July 1, 2006 to September 30, 2006, in violation of 40 C.F.R. § 141.23.
- 262. Respondent failed to conduct the required monitoring at the Indian School District #512 System during the period January 1, 2007 to December 31, 2007, in violation of 40 C.F.R. § 141.23.

263. Respondent failed to conduct the required monitoring at the BIA Keams Canyon System during the period January 1, 2005 to December 31, 2005, in violation of 40 C.F.R. § 141.23.
264. Respondent failed to conduct the required monitoring at the Hopi High School System during the period January 1, 2005 to December 31, 2005, in violation of 40 C.F.R. § 141.23.
265. Respondent failed to conduct the required monitoring at the Hotevilla/Bacavi Community School System during the period January 1, 2007 to December 31, 2007, in violation of 40 C.F.R. § 141.23.
266. Respondent failed to conduct the required monitoring at the Second Mesa Day School System during the period January 1, 2008 to March 31, 2008, in violation of 40 C.F.R. § 141.23.
267. Respondent failed to conduct the required monitoring at the American Horse School System during the periods January 1, 2005 to December 31, 2005 and January 1, 2007 to December 31, 2007, in violation of 40 C.F.R. § 141.23.
268. Respondent failed to conduct the required monitoring at the Chichiltah Boarding School System during the period January 1, 2006 to December 31, 2006, in violation of 40 C.F.R. § 141.23.
269. Respondent failed to conduct the required monitoring at the St. Stephens Indian School System during the period January 1, 2007 to December 31, 2007, in violation of 40 C.F.R. § 141.23.
270. Respondent failed to conduct the required monitoring at the Cibecue School System during the periods January 1, 2005 to December 31, 2005; January 1, 2006 to December 31, 2006; and January 1, 2007 to December 31, 2007, in violation of 40 C.F.R. § 141.23.
271. Respondent failed to conduct the required monitoring at the Theodore Roosevelt School System during the periods January 1, 2005 to December 31, 2005; January 1, 2006 to December 31, 2006; and January 1, 2007 to December 31, 2007, in violation of 40 C.F.R. § 141.23.

COUNT 33 - Failure to Monitor for Inorganic Chemicals – Arsenic

272. Complainant realleges each allegation contained in paragraphs 1 through 271 as if fully set forth herein.
273. Pursuant to 40 C.F.R. § 141.23, community water systems and non-transient non-community water systems must monitor for inorganic chemicals, specifically arsenic.

274. Respondent failed to conduct the required monitoring at the BIA Keams Canyon System during the periods January 1, 2008 to March 31, 2008 and April 1, 2008 to June 30, 2008, in violation of 40 C.F.R. § 141.23.
275. Respondent failed to conduct the required monitoring at the Hopi High School System during the periods April 1, 2007 to June 30, 2007; January 1, 2008 to March 31, 2008; and April 1, 2008 to June 30, 2008, in violation of 40 C.F.R. § 141.23.
276. Respondent failed to conduct the required monitoring at the Second Mesa Day School System during the period January 1, 2008 to March 31, 2008, in violation of 40 C.F.R. § 141.23.
277. Respondent failed to conduct the required monitoring at the Cibecue School System during the period January 1, 2005 to December 31, 2007, in violation of 40 C.F.R. § 141.23.

COUNT 34 - Failure to Monitor for Disinfection Byproducts

278. Complainant realleges each allegation contained in paragraphs 1 through 277 as if fully set forth herein.
279. Pursuant to 40 C.F.R. § 141.132, public water systems subject to Subpart L (Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors) must monitor for Total Trihalomethanes (TTHM) and Haloacetic Acids (HAA5) as specified in this section.
280. Respondent failed to conduct the required monitoring at the BIA Keams Canyon System during the period January 1, 2005 to December 31, 2005, in violation of 40 C.F.R. § 141.132.
281. Respondent failed to conduct the required monitoring at the Hopi High School System during the periods January 1, 2005 to December 31, 2005 and January 1, 2006 to December 31, 2006, in violation of 40 C.F.R. § 141.132.
282. Respondent failed to conduct the required monitoring at the Hotevilla/Bacavi Community School System during the period January 1, 2007 to December 31, 2007, in violation of 40 C.F.R. § 141.132.
283. Respondent failed to conduct the required monitoring at the American Horse School System during the period January 1, 2005 to December 31, 2007, in violation of 40 C.F.R. § 141.132.
284. Respondent failed to conduct the required monitoring at the Bug O-Nay-Ge-Shig School System during the period January 1, 2006 to December 31, 2006, in violation of 40 C.F.R. § 141.132.

- 285. Respondent failed to conduct the required monitoring at the Cibecue School System during the period January 1, 2007 to December 31, 2007, in violation of 40 C.F.R. § 141.132.
- 286. Respondent failed to conduct the required monitoring at the BIA JFK School System during the period January 1, 2007 to December 31, 2007, in violation of 40 C.F.R. § 141.132.
- 287. Respondent failed to conduct the required monitoring at the BIA T. Roosevelt School System during the period January 1, 2005 to December 31, 2005, January 1, 2006 to December 31, 2006, and January 1, 2007 to December 31, 2007, in violation of 40 C.F.R. § 141.132.

COUNT 35 - Failure to Monitor for Residual Disinfectants - Chlorine

- 288. Complainant realleges each allegation contained in paragraphs 1 through 287 as if fully set forth herein.
- 289. Pursuant to 40 C.F.R. § 141.74, public water systems subject to Subpart H (Filtration and Disinfection) must monitor for residual disinfectant concentrations, specifically chlorine, as specified in this section.
- 290. Respondent failed to conduct the required monitoring at the Wounded Knee District School System during the period January 1, 2005 to March 31, 2005, in violation of 40 C.F.R. § 141.74.
- 291. Respondent failed to conduct the required monitoring at the BIA Chemawa Indian School System during the period October 1, 2007 to December 31, 2007, in violation of 40 C.F.R. § 141.74.
- 292. Respondent failed to conduct the required monitoring at the Indian School District #512 System during the periods October 1, 2006 to December 31, 2006; January 1, 2007 to March 31, 2007; April 1, 2007 to June 30, 2007; July 1, 2007 to September 30, 2007; October 1, 2007 to December 31, 2007; and January 1, 2008 to March 31, 2008, in violation of 40 C.F.R. § 141.74.

COUNT 36 - Violation of the Maximum Contaminant Level for Microbiological Contaminants (Total Coliform Rule)

- 293. Complainant realleges each allegation contained in paragraphs 1 through 292 as if fully set forth herein.
- 294. Pursuant to 40 C.F.R. § 141.63(a)(2), the maximum contaminant level (“MCL”) for microbiological contaminants is based on the presence or absence of total coliforms in a sample, rather than coliform density. For a PWS which collects fewer than 40 samples per month, if no more than one sample collected during a month is total coliform-positive, the system is in compliance with the MCL for total coliforms.

295. Respondent exceeded the monthly maximum MCL for total coliform bacteria at the Crazy Horse School System during the period August 1-31, 2007, in violation of 40 C.F.R. § 141.63(a)(2).
296. Respondent exceeded the monthly maximum MCL for total coliform bacteria at the Wounded Knee District School System during the period March 1-31, 2005, in violation of 40 C.F.R. § 141.63(a)(2).
297. Respondent exceeded the monthly maximum MCL for total coliform bacteria at the BIA Keams Canyon System during the period December 1-31, 2006, in violation of 40 C.F.R. § 141.63(a)(2).
298. Respondent exceeded the monthly maximum MCL for total coliform bacteria at the Hopi High School System during the periods September 1-30, 2005 and September 1-30, 2007, in violation of 40 C.F.R. § 141.63(a)(2).
299. Respondent exceeded the monthly maximum MCL for total coliform bacteria at the Hotevilla/Bacavi Community System during the period September 1-30, 2007, in violation of 40 C.F.R. § 141.63(a)(2).
300. Respondent exceeded the monthly maximum MCL for total coliform bacteria at the St. Stephens Indian School System during the period December 1-31, 2005, in violation of 40 C.F.R. § 141.63(a)(2).
301. Respondent exceeded the monthly maximum MCL for total coliform bacteria at the Cibecue System during the period March 1-31, 2005, in violation of 40 C.F.R. § 141.63(a)(2).
302. Respondent exceeded the monthly maximum MCL for total coliform bacteria at the Lake Valley Boarding School System during the periods August 1-31, 2006; September 1-30, 2006; November 1-30, 2006; and August 1-31, 2007, in violation of 40 C.F.R. § 141.63(a)(2).

COUNT 37 - Acute Violation of the Maximum Contaminant Level for Microbiological Contaminants (Total Coliform Rule)

303. Complainant realleges each allegation contained in paragraphs 1 through 302 as if fully set forth herein.
304. Pursuant to 40 C.F.R. § 141.63(b), any fecal coliform-positive repeat sample or E.coli-positive repeat sample, or any total coliform-positive repeat sample following a fecal coliform-positive or E.coli-positive routine sample constitutes a violation of the MCL for total coliforms. For purposes of the public notification requirements in 40 C.F.R. § 141, subpart Q, this is a violation that may pose an acute risk to health.
305. Respondent's sampling results exceeded the acute MCL for total coliform bacteria at the Pueblo Pintado BIA Boarding School System during the period August 1-31, 2007, in violation of 40 C.F.R. § 141.63(b).

COUNT 38 - Violation of the Maximum Contaminant Level for Arsenic

- 306. Complainant realleges each allegation contained in paragraphs 1 through 305 as if fully set forth herein.
- 307. Pursuant to 40 C.F.R. § 141.62(b), the MCL for arsenic applies to community water systems and non-transient, non-community water systems. The MCL for arsenic is 0.010 milligrams per liter (mg/l).
- 308. Respondent exceeded the maximum MCL for arsenic at the BIA Keams Canyon System during the periods April 1, 2007, to June 30, 2007 (with a concentration of 0.033 mg/l) and October 1, 2007 to June 30, 2008 (with a concentration of 0.03275 mg/l), in violation of 40 C.F.R. § 141.62(b).
- 309. Respondent exceeded the maximum MCL for arsenic at the Hopi High School System during the period October 1, 2007 to June 30, 2008 (with a concentration of 0.023 mg/l), in violation of 40 C.F.R. § 141.62(b).
- 310. Respondent exceeded the maximum MCL for arsenic at the Second Mesa Day School System during the periods April 1, 2007 to June 30, 2007 (with a concentration of 0.014 mg/l); October 1, 2007 to March 31, 2008 (with a concentration of 0.017 mg/l); and April 1, 2008 to June 30, 2008 (with a concentration of 0.01267 mg/l), in violation of 40 C.F.R. § 141.62(b).

COUNT 39 - Violation of the Maximum Contaminant Level for Fluoride

- 311. Complainant realleges each allegation contained in paragraphs 1 through 310 as if fully set forth herein.
- 312. The Hopi High School System is a community water system as defined in 40 C.F.R. § 141.2.
- 313. Pursuant to 40 C.F.R. § 141.62(b), the MCL for fluoride applies to community water systems. The MCL for fluoride is 4.0 milligrams per liter (mg/l).
- 314. Respondent exceeded the maximum MCL for fluoride at the Hopi High School System during the periods January 1, 2006 to December 31, 2006 (with a single sample concentration of 43.0 mg/l) and October 1, 2007 to December 31, 2007 (with an average concentration of 23.15 mg/l), in violation of 40 C.F.R. § 141.62(b).

COUNT 40 - Violation of the Maximum Contaminant Level for Uranium

- 315. Complainant realleges each allegation contained in paragraphs 1 through 314 as if fully set forth herein.
- 316. Pursuant to 40 C.F.R. § 141.66(e), the MCL for uranium applies to community water systems. The MCL for uranium is 30 micrograms per liter (ug/l).

317. Respondent exceeded the maximum MCL for uranium at the Hopi High School System during the period October 1, 2007 to December 31, 2007 (with a concentration of 105.79 ug/l), in violation of 40 C.F.R. § 141.66(e).

IV. COMPLIANCE PROVISIONS

318. Except for the time frames set forth in the Region 9 Administrative Orders issued March 22, 2011, Docket Nos. PWS-AO-2011-6001, PWS-AO-2011-6002, and PWS-AO-2011-6003 (“Region 9 AOs”) and paragraphs 319 and 320 below, Respondent shall correct and maintain compliance for the violations described in Counts 1 - 40 of this Consent Agreement within ninety (90) days of approval of this Consent Agreement by EPA’s Environmental Appeals Board (“EAB”). Respondent’s actions shall include, but are not limited to, the actions set forth below in subparagraphs “a” through “oo.”

RCRA

- a. Make hazardous waste determinations for the unlabeled and outdated chemicals and other waste materials for those schools listed in paragraph 26 as required by 40 C.F.R. § 262.11 and 40 C.F.R. §§ 261.21 through 261.24 and, if any of those waste materials are determined to be hazardous waste, properly handle those hazardous wastes in accordance with 40 C.F.R. Parts 262-270.
- b. Make hazardous waste determinations for the spent fluorescent lamps as required by 40 C.F.R. § 262.11 and in accordance with 40 C.F.R. §§ 261.21 through 261.24 for those schools listed in paragraph 31.
- c. Comply with all the Universal Waste requirements found in 40 C.F.R. § 273 for spent fluorescent lamps including, but not limited to, adequately labeling or marking as Universal Wastes, demonstrating the length of time for accumulation of Universal Wastes, properly cleaning up any spills of spent fluorescent lamps, and properly transferring universal wastes to a registered universal waste handler for those schools listed in paragraph 31.
- d. Clean up the spills of spent fluorescent lamps in accordance with 40 C.F.R. § 273.13(d)(2) at those schools listed in paragraph 62.
- e. Transfer universal wastes to a properly registered universal waste handler as required by 40 C.F.R. §§ 273.18 and 273.55 for the Chemawa Indian School.
- f. Comply with the used oil storage requirements found in 40 C.F.R. § 279.22 for those schools listed in paragraph 82 and Tohono O’Odham High School identified in paragraph 85.
- g. Respond to the releases of used oil in accordance with 40 C.F.R. § 279.22(c) for the Haskell Indian Nations University with respect to the spills referenced in paragraph 89 and identified during the inspections referenced in paragraph 82.

Clean Air Act

- h. Keep servicing records documenting the date and type of service, as well as the quantity of refrigerant added, for all appliances normally containing 50 or more pounds of refrigerant at the Sherman Indian High School.

AHERA

- i. Inspect each school building to identify all locations of friable and nonfriable asbestos containing building materials and update the asbestos management plan for those schools in paragraph 118.
- j. Develop and submit an asbestos management plan for those schools listed in paragraph 122.
- k. Update the asbestos management plans for those schools listed in paragraph 126.
- l. Provide annual written notification to parent, teacher, and employee organizations of the availability of the asbestos management plan and update the asbestos management plan for those schools listed in paragraph 130.
- m. Provide annual notification to workers and building occupants, or their legal guardians, at least once each school year about inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities that are planned or in progress for those schools listed in paragraph 134.
- n. Designate a person to ensure AHERA requirements are met; include that person's name, address, and telephone number in the management plan; ensure that person receives all required training; and update the asbestos management plan for those schools listed in paragraph 139.
- o. Ensure that the designated person receives adequate training and update the asbestos management plan for those schools listed in paragraph 144.
- p. Reinspect all friable and nonfriable known or assumed ACBM in each school building that DOI leases, owns, or otherwise uses as a school building and update the asbestos management plan for those schools listed in paragraph 149.
- q. Repair or remove the damaged material and maintain all thermal insulation of ACM and its covering in an intact state and undamaged condition for those schools listed in paragraph 153.
- r. Properly respond to damaged friable ACM at Northern Cheyenne Tribal School, identified in paragraph 157.
- s. Ensure that all custodial and maintenance staff receive at least two hours of asbestos awareness training and that any staff who conduct activities that will result in the

disturbance of ACBM receive 14 hours of additional training and retain those records for those schools listed in paragraph 162.

- t. Maintain required abatement records for each abatement action performed for those schools listed in paragraph 166.
- u. Maintain records for each preventive measure and response action taken for friable and nonfriable ACBM and friable and non friable ACBM assumed to be ACM for those schools listed in paragraph 170.
- v. Attach a warning label immediately adjacent to any friable and nonfriable ACBM and suspected ACBM assumed to be ACM located in routine maintenance areas at each school building at Northern Cheyenne Tribal School, to address violations identified in paragraph 174.
- w. Conduct and record periodic surveillance in each building that contains ACBM or is assumed to contain ACBM and update the asbestos management plan for those schools listed in paragraph 180.
- x. Comply with all the AHERA requirements found in 40 C.F.R. § 763 for asbestos including, but not limited to, inspections; reinspections; developing, submitting, and updating management plans; annual written notifications to parents, teachers, employee organizations, workers, and building occupants; designating and providing proper training to a person as required under AHERA; maintaining asbestos containing thermal systems; responding to damaged friable ACM; providing asbestos awareness training to all custodial and maintenance staff; maintaining records; attaching asbestos warning labels; and conducting periodic surveillance, for those schools listed in Appendix C of this Consent Agreement.

Safe Drinking Water Act

- y. Conduct routine bacteriological monitoring for total coliform at the drinking water systems identified in paragraphs 191 through 205.
- z. Conduct coliform repeat monitoring as required after any DOI PWS has a total coliform positive routine sample, to prevent future violations such as those identified in paragraphs 208 and 209 of Count 25.
- aa. Deliver the required consumer confidence rule report for all DOI PWSs to prevent future drinking water system violations such as those identified in paragraphs 212 through 232 of Count 26.
- bb. Conduct the required follow up and routine tap water monitoring for lead and copper at the drinking water systems identified in paragraphs 235 through 240.
- cc. Conduct the required initial tap water sampling for lead and copper at the drinking water systems identified in paragraphs 243 and 244.

- dd. Conduct the required monitoring for gross alpha particle activity, radium-226, radium-228, uranium, and beta particle and photon radioactivity at the drinking water systems identified in paragraphs 247 through 249.
 - ee. Conduct the required monitoring for organic chemicals at the drinking water systems identified in paragraphs 252 through 255.
 - ff. Conduct the required monitoring for inorganic chemicals at the drinking water system identified in paragraph 258.
 - gg. Conduct the required monitoring for nitrate at the drinking water systems identified in paragraphs 261 through 271.
 - hh. Conduct the required monitoring for arsenic at the drinking water systems identified in paragraphs 274 through 277.
 - ii. Conduct the required monitoring for Total Trihalomethanes (TTHM) and Haloacetic Acids (HAA5) at the drinking water systems identified in paragraphs 280 through 287.
 - jj. Conduct the required monitoring for residual disinfectant concentrations, specifically chlorine, at the drinking water systems identified in paragraphs 290 through 292.
 - kk. Correct the contaminant level for microbiological contaminants so that Respondent does not exceed the monthly maximum MCL for total coliform bacteria at the drinking water systems identified in paragraphs 295 through 302.
 - ll. Correct the contaminant level for microbiological contaminants so that Respondent does not exceed the acute MCL for total coliform bacteria at the drinking water system identified in paragraph 305.
 - mm. Correct the contaminant level for arsenic so that Respondent does not exceed the MCL for arsenic at the drinking water systems identified in paragraphs 308 through 310.
 - nn. Correct the contaminant level for fluoride so that Respondent does not exceed the maximum MCL for fluoride at the Hopi High School drinking water system identified in paragraph 314.
 - oo. Correct the contaminant level for uranium so that Respondent does not exceed the maximum MCL for uranium at the Hopi High School drinking water system identified in paragraph 317.
319. Except for those violations for which the Region 9 AOs cited in Paragraph 318 above specifically provide for a longer time period to come into compliance, if despite all reasonable efforts Respondent believes it cannot correct and maintain compliance for any violation listed in Counts 1 - 40 within ninety (90) days of approval of this Consent Agreement by the EAB, Respondent shall submit a detailed compliance plan to correct

the violation(s) to EPA Headquarters and the EPA Regional office with jurisdiction over the facility within thirty (30) days of approval of this Consent Agreement by the EAB. The compliance plan shall be subject to EPA review and approval in accordance with Section IX (EPA Review and Approval of Compliance Plans) of this Consent Agreement. The plan shall require Respondent to achieve compliance as expeditiously as possible, but no later than one hundred eighty (180) days from approval of the Consent Agreement by the EAB.

320. Respondent shall undertake the following longer term compliance actions at the Keams Canyon Public Water System (SDWIS ID 090400054):

- a. Within thirty (30) days of approval of this Consent Agreement by the EAB, Respondent shall submit to EPA Headquarters and EPA Region 9, at the appropriate addresses provided in Appendix E, a draft written alternative drinking water plan (the "Plan") for EPA's approval that describes in detail the steps Respondent will take to provide alternative drinking water to the users of the BIA Keams Canyon Water System - SDWIS ID 090400054 ("System"). The Plan shall include milestones and dates of completion for each of the steps Respondent will follow to provide alternative drinking water to all System users within ninety (90) days after approval of this Consent Agreement and Final Order by the EAB. In addition, the Plan shall include a description of the management controls that Respondent will put in place to provide and maintain the supply of alternative drinking water to all System users. Unless otherwise specified by EPA, Respondent shall, within twenty (20) days of receipt of comments from EPA, incorporate all comments from EPA into the Plan and submit a final revised Plan to EPA for approval.
- b. Respondent shall comply with all milestones, deadlines, and other requirements described in the final approved Plan.
- c. Alternative water supplied under the approved Plan shall satisfy all requirements of the primary drinking water regulations found in 40 CFR Part 141 and, if bottled water is supplied, the United States Food and Drug Administration bottled water standards specified at 21 C.F.R. § 165.110.
- d. If Point-of-Use (POU) or Point-of-Entry (POE) devices are used, such devices shall be owned and operated by Respondent, or person(s) under contract to the Respondent and shall be equipped with a mechanical warning device to ensure automatic notification to customers and Respondent if operational problems occur. In addition, POU and/or POE devices must be certified according to the product standards of the American National Standards Institute.
- e. Respondent shall continue to supply alternative water to all System users until such time that Respondent has fully complied with the EPA Region 9 Unilateral Order issued March 22, 2011, requiring Respondent to achieve and maintain compliance with the arsenic MCL found in 40 C.F.R. § 141.62(b) and all other applicable national primary drinking water regulations found in 40 C.F.R. § 62.

V. CERTIFICATIONS OF COMPLIANCE

321. Within one hundred and twenty (120) days of approval of the Consent Agreement and Final Order by the EAB, Respondent shall submit the following certification to EPA Headquarters:

I certify that Indian Affairs has fully corrected the violations identified in Counts 1 - 40 of the Consent Agreement and Final Order within ninety (90) days of approval of the Agreement by the U.S. Environmental Protection Agency's Environmental Appeals Board, except for those violations for which the Consent Agreement and Final Order or the EPA has specifically granted a longer time period to come into compliance. I certify that, to the best of my knowledge and belief, the information contained in this written certification and in any documents accompanying this certification is true, accurate, and complete. In making this statement, I have not made an independent review of all statements contained therein and have relied in good-faith on information, statements, and representations furnished to me by employees or contractors of the Department of the Interior. Based on my inquiry of the person or persons (or the supervisors of such persons) directly responsible for gathering the information contained in this written certification and in any documents accompanying this certification, this document is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant potential penalties for submitting materially false information, including the possibility of fines and imprisonment for knowing violations.

The certification shall be signed by the Assistant Secretary—Indian Affairs or a senior official designated to act in this capacity.

322. For those violations where EPA has specifically approved a longer term compliance plan under paragraph 319 of the Consent Agreement and Final Order, allowing Respondent to take more than ninety (90) days from approval of the Consent Agreement and Final Order by the EAB to correct a violation, upon completion of all corrective measures set forth in the approved compliance plan, Respondent shall include the following certification in its next semi-annual report submitted to EPA pursuant to Section XII (Record Keeping and Reporting) of the Consent Agreement and Final Order:

I certify that Indian Affairs has fully corrected the following violations: [insert violations]. Correction of these violations was completed in accordance with the measures and schedule approved by EPA. I certify that, to the best of my knowledge and belief, the information contained in this written certification and in any documents accompanying this certification is true, accurate, and complete. In making this statement, I have not made an independent review of all statements contained therein and have relied in good-faith on information, statements, and representations furnished to me by employees or contractors of the

Department of the Interior. Based on my inquiry of the person or persons (or the supervisors of such persons) directly responsible for gathering the information contained in this written certification and in any documents accompanying this certification, this document is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant potential penalties for submitting materially false information, including the possibility of fines and imprisonment for knowing violations.

The certification shall be signed by the Assistant Secretary—Indian Affairs or a senior official designated to act in this capacity.

323. For those violations that will be addressed pursuant to the longer term compliance provisions set forth in paragraph 320 of this Consent Agreement and Final Order relating to the Keams Canyon Public Water System, Respondent shall include the following certification in each semi-annual report submitted to EPA pursuant to Section XII (Record Keeping and Reporting) of the Consent Agreement and Final Order:

I certify that Indian Affairs has maintained full compliance with the terms of paragraph 320 of the Consent Agreement and Final Order during the past six (6) months. I certify that, to the best of my knowledge and belief, the information contained in this written certification and in any documents accompanying this certification is true, accurate, and complete. In making this statement, I have not made an independent review of all statements contained therein and have relied in good-faith on information, statements, and representations furnished to me by employees or contractors of the Department of the Interior. Based on my inquiry of the person or persons (or the supervisors of such persons) directly responsible for gathering the information contained in this written certification and in any documents accompanying this certification, this document is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant potential penalties for submitting materially false information, including the possibility of fines and imprisonment for knowing violations.

The certification shall be signed by the Assistant Secretary—Indian Affairs or a senior official designated to act in this capacity.

VI. THIRD-PARTY INDEPENDENT COMPLIANCE AUDITS OF DOI FACILITIES

324. DOI shall require that independent, third-party compliance audits be conducted at all BIE schools and BIA public water systems serving BIE schools in accordance with Appendix A of this Consent Agreement and Final Order. These compliance audits shall conform to all the requirements set out in Appendix A.

VII. ENVIRONMENTAL MANAGEMENT SYSTEM

325. DOI shall develop and implement a compliance-based Environmental Management System (EMS) at all of its facilities. This EMS shall conform to all the requirements set out in Appendix B.

VIII. SUPPLEMENTAL ENVIRONMENTAL PROJECT

326. Respondent shall complete the following supplemental environmental project ("SEP"), which the parties agree is intended to secure significant environmental or public health protection and improvements. The Scope of Work for this SEP is included in this Consent Agreement as Appendix F.
327. Respondent shall complete the SEP as follows: Not more than thirty (30) days after approval of this Consent Agreement and Final Order by the EAB, Respondent shall submit, for EPA review and approval, a detailed workplan describing the installation of a 750 kW h solar photovoltaic ("PV") electric system for the benefit of the Havasupai Tribe of the Havasupai Reservation. Within thirty (30) days of EPA final approval of the workplan, Indian Affairs will begin the design phase of the project. The design phase will last no longer than ninety (90) days. Upon completion of the design phase, Respondent shall submit, for EPA Headquarters review and approval, a detailed description of the design. The project will begin construction within sixty (60) days after design approval by EPA. The project construction will take no longer than one hundred and twenty (120) days. The project consists of installing a 750 kW h solar PV electric system to convert light into electricity. The Havasupai project will use a modular approach which does not require sun tracking, and which, as a result, will reduce operations and maintenance costs. The Havasupai system will consist of freestanding PV power units. These power units will have twelve (12) solar panels each and will be arranged in rows. The power generated in a row will make up a branch circuit. The branch circuit will have a dedicated inverter that converts the direct current, generated by the solar cells, to alternating current. The alternating current from each row will then be routed to a transformer and then, via a grid, tie to the transmission line to the Supai village. Approximately 2,000 PV panels will be required for an area of approximately five (5) acres. Construction of the 750 kW h solar PV electric system must be completed and the system fully operational by no later than one (1) year after EPA final approval of the SEP workplan. The SEP is more specifically described in Appendix F which is incorporated herein by reference.
328. The total expenditure for the SEP shall be not less than \$1,212,750.00 in accordance with the specifications set forth in the Scope of Work. Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP Completion Report.
329. Respondent hereby certifies that, as of the date of this Consent Agreement, neither is Respondent required to perform or develop the SEP by any federal, state, or local law or regulation, or any Executive Order; nor has Respondent agreed to or is required to perform or develop the SEP by any other agreement, grant, or as injunctive relief in

this or any other case. Respondent further certifies that it has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

330. SEP Reports

- a. SEP Completion Report: Respondent shall submit a SEP Completion Report to EPA Headquarters by December 31, 2012. The SEP Completion Report shall contain the following information:
 - i. a detailed description of the SEP as implemented;
 - ii. a description of any operating problems encountered and the solutions thereto;
 - iii. itemized costs;
 - iv. certification that the SEP has been fully implemented pursuant to the provisions of this Consent Agreement and Final Order; and
 - v. a description of the environmental and public health benefits resulting from implementation of the SEP (with a quantification of the benefits and pollutant reductions if feasible).
- b. Periodic Reports: Respondent shall submit any additional reports required by the detailed workplan described in paragraph 327 above in accordance with the schedule and requirements recited therein.
- c. Respondent agrees that failure to submit the SEP Completion Report or any Periodic Report required by subsections (a) and (b) above shall be deemed a violation of this Consent Agreement and Final Order and Respondent shall become liable for stipulated penalties pursuant to paragraph 335 below.
- d. Respondent shall submit all notices and reports required by this Consent Agreement and Final Order to EPA Headquarters and the EPA Regional office with jurisdiction over the facility listed in Appendix E of this Consent Agreement and Final Order by overnight mail.
- e. In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs, as determined by EPA. Where the SEP Completion Report includes costs not eligible for SEP credit, those costs must be clearly identified as such. For purposes of this paragraph, "acceptable documentation" includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Canceled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

331. Respondent agrees that EPA may inspect the facility at any time in order to confirm that the SEP is being undertaken in conformity with the representations made herein.
332. Respondent shall continuously use or operate the systems installed as the SEP for not less than five (5) fiscal years subsequent to installation.
333. Respondent shall maintain legible copies of documentation of the underlying research and data for any and all documents or reports submitted to EPA pursuant to this Consent Agreement and Final Order and shall provide the documentation of any such underlying research and data to EPA not more than seven (7) days after a request by EPA for such information. In all documents or reports, including, without limitation, any SEP reports, submitted to EPA pursuant to this Consent Agreement and Final Order, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

334. After receipt of the SEP Completion Report described in paragraph 330(a) above, EPA will notify the Respondent, in writing, regarding:
- a. any deficiencies in the SEP Report itself along with a grant of an additional thirty (30) days for Respondent to correct any deficiencies; or
 - b. indicate that EPA concludes that the project has been completed satisfactorily; or
 - c. determine that the project has not been completed satisfactorily and seek stipulated penalties in accordance with paragraph 335 herein. If EPA elects to exercise option (a) above (i.e., if the SEP Report is determined to be deficient but EPA has not yet made a final determination about the adequacy of SEP completion itself), EPA shall permit Respondent the opportunity to object in writing to the notification of deficiency given pursuant to this paragraph within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement on changes necessary to the SEP Report. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision on adequacy of the completion of the SEP to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any failure to comply with the terms of this Consent Agreement and Final Order. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall

be due and payable by Respondent to EPA in accordance with paragraph 335 herein.

335. Stipulated Penalties for Failure to Complete SEP or Spend Agreed-on Amount

- a. In the event that Respondent fails to comply with any of the terms or provisions of this Consent Agreement relating to the performance of the SEP described in paragraph 327 above and/or to the extent that the actual expenditures for the SEP do not equal or exceed the cost of the SEP described in paragraph 328 above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:
 - i. except as provided in subparagraph (ii) immediately below, for a SEP which has not been completed satisfactorily pursuant to this Consent Agreement and Final Order, Respondent shall pay a stipulated penalty to the United States in the amount of \$995,807.00;
 - ii. if the SEP is not completed in accordance with Appendix F but the Complainant determines that the Respondent: a) made good faith and timely efforts to complete the project; and b) certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not be liable for any stipulated penalty;
 - iii. if the SEP is completed in accordance with Appendix F, but the Respondent spends less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to the United States in the amount of \$179,245.00;
 - iv. if the SEP is completed in accordance with Appendix F, and the Respondent spends at least 90 percent of the amount of money required to be spent for the project, Respondent shall not be liable for any stipulated penalty;
 - v. for failure to submit the SEP Completion Report required by paragraph 330(a) above, Respondent shall pay a stipulated penalty in the amount of \$250.00 per day for Days 1-10 in which Respondent is in violation and \$500 per day for every day thereafter; and
 - vi. for failure to submit any other report required by paragraph 330(b) above, Respondent shall pay a stipulated penalty in the amount of \$250.00 per day for Days 1-10 in which Respondent is in violation and \$500 per day for every day thereafter until the report is submitted.
- b. The determinations of whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA.

- c. Stipulated penalties for subparagraphs (v) and (vi) above shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.
 - d. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Respondent shall make any required payment under this paragraph to the United States by Fed Wire Electronic Funds Transfer ("EFT") in accordance with written instructions to be provided to Respondent at the time of payment.
 - e. Nothing in this Consent Agreement shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this Consent Agreement or of the statutes and regulations upon which this Consent Agreement is based, or for Respondent's violation of any applicable provision of law.
336. Any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the SEP shall include the following language, *"This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of RCRA, CAA, AHERA, and the SDWA."*

IX. EPA REVIEW AND APPROVAL OF COMPLIANCE PLANS

- 337. The procedures set forth in this section shall be followed by the parties whenever the Consent Agreement and Final Order requires review and approval of a compliance plan by EPA.
- 338. Respondent shall submit the compliance plan to the appropriate EPA office(s) specified in paragraph 319 or Appendix E for review and approval in accordance with the schedule and the content requirements for the particular plans set forth in the Consent Agreement and Final Order and its Appendices. EPA will review the plan and notify Respondent in writing within sixty (60) days of official receipt of the compliance plan that it is approving the plan, disapproving the plan, or approving some parts of the plan and disapproving others. If EPA disapproves the plan in whole or in part, EPA will state why it is disapproving the plan, and will describe in reasonable detail how to correct the deficiencies.
- 339. Respondent shall have thirty (30) days from receipt of the notice from EPA that its compliance plan has been disapproved in whole or part to submit to EPA a revised plan that incorporates all corrections required by EPA. EPA will notify Respondent that it is either approving or disapproving the revised plan. Disapproval by EPA of the revised plan shall constitute a failure by DOI to submit an approvable compliance plan.
- 340. DOI shall implement the compliance plan approved by EPA in accordance with the actions and schedules set forth in the approved compliance plan.

X. CIVIL PENALTY

341. Pursuant to the applicable penalty provisions in the governing statutes, the nature of the violations, Respondent's agreement to comply with all provisions of the Consent Agreement and Final Order, and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of two hundred forty thousand, nine hundred forty dollars (\$234,844.00).
342. Respondent consents to the assessment of a civil penalty in the amount of two hundred forty thousand, nine hundred forty dollars (\$234,844.00) with a cash component to be determined by and through the application of Sections 207(a) and (c) of TSCA, 15 U.S.C. §§ 2647(a) and (c). Consistent with Section 207(a) of TSCA, Respondent must certify that it has expended or will expend \$234,844.00 to comply with Subchapter II of TSCA and must provide EPA Headquarters with supporting cost documentation. In the event Respondent does not expend the full penalty amount within four (4) years of approval by the EAB of this Consent Agreement and Final Order, Respondent shall pay a cash penalty which equals the difference between the assessed amount (\$234,844.00) and the amount determined by EPA to be eligible expenditures under this penalty provision. Respondent shall make any required payment under this paragraph not more than fifteen (15) days after receipt of written demand by EPA for such payment and shall submit the payment to the United States by Fed Wire EFT in accordance with written instructions to be provided to Respondent at the time of payment.

XI. FUNDING

343. It is the expectation of the Parties to this Consent Agreement and Final Order that all obligations of the Respondent arising under this Consent Agreement will be fully funded. Respondent agrees to seek sufficient funding through the DOI budgetary process to fulfill its obligations under this Consent Agreement and Final Order. No provision herein, including payment or obligation of funds, including stipulated penalties, shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. §1341.

XII. RECORD KEEPING AND REPORTING

344. Respondent shall submit a semi-annual report to EPA Headquarters on January 1 and July 1 of each year documenting the progress made in implementing the Consent Agreement and Final Order and the anticipated actions to be taken over the next six (6) months. If the Consent Agreement and Final Order is approved by the EAB less than two (2) months prior to the end of a reporting period, then the first report shall be due at the end of the next reporting period (e.g., if the EAB approves the Consent Agreement and Final Order on May 15, 2011, then the first semi-annual report shall be due on January 1, 2012).

345. The semi-annual report shall include the following information:

- a. A summary of all actions taken during the reporting period to correct the violations listed in Counts 1 - 40 of the Consent Agreement and Final Order. For the first report, the summary shall include all corrective actions taken since DOI was originally notified of the violations by EPA up to the time of the first report.
- b. A detailed description of all instances where Respondent did not comply with any requirements of the Consent Agreement and Final Order during the reporting period and an explanation why the non-compliance occurred and the remedial steps taken, or to be taken, to prevent or minimize such non-compliance.
- c. A summary of all the compliance audits DOI conducted during the reporting period pursuant to Appendix A. This summary should include the following:
 - i. the names and addresses of the facilities audited;
 - ii. the date each audit took place;
 - iii. who conducted the audits;
 - iv. a brief description of any area of noncompliance (“AON”) discovered at each facility, including the statute and regulations violated and how long the violation has been ongoing;
 - v. actions taken during the reporting period to correct AONs identified during the compliance audits or the actions needed to correct AONs and a schedule for correcting the violations; and
 - vi. any actions that DOI has taken or will take to prevent the violations from happening again.
- d. A list of all facilities that Respondent expects to audit pursuant to Appendix A of the Consent Agreement and Final Order in the next six (6) months and the anticipated dates of the on-site portion of the audits.
- e. A summary of all actions taken since the last report, and expected to be taken during the next six (6) months, to implement the Environmental Management System as required by Appendix B.
- f. A certification that the audit(s) performed at any facility during the reporting period was completed in accordance with the relevant provisions of Appendices A and B and the Audit Plan.

346. Respondent shall maintain, for a period of nine (9) years from approval of the Consent Agreement and Final Order by the EAB, all records related to its implementation of the Consent Agreement and Final Order. Respondent shall respond to any requests by EPA for such records by providing all the requested records within fourteen (14)

calendar days of receipt of EPA's request. If, for good cause, DOI requires more than fourteen (14) calendar days to respond to such a request, DOI shall notify EPA as soon as practicable and shall provide EPA with a date by which the request will be fulfilled. The date the request will be fulfilled shall not be later than thirty (30) days from the date of receipt of EPA's request.

347. In all reports and records submitted to EPA pursuant to this section of the Consent Agreement and Final Order, Respondent shall certify under penalty of law that the information contained in such report or record is true, accurate, and not misleading, by including and signing the following statement:

I certify that, to the best of my knowledge and belief, the information contained in this written certification and in any documents accompanying this certification is true, accurate, and complete. In making this statement, I have not made an independent review of all statements contained therein and have relied in good-faith on information, statements, and representations furnished to me by employees or contractors of the Department of the Interior. Based on my inquiry of the person or persons (or the supervisors of such persons) directly responsible for gathering the information contained in this written certification and in any documents accompanying this certification, this document is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant potential penalties for submitting materially false information, including the possibility of fines and imprisonment for knowing violations.

The above statement shall be signed by the Assistant Secretary—Indian Affairs or a senior official designated to act in this capacity.

XIII. STIPULATED PENALTIES

348. Respondent shall pay the following stipulated penalties for failing to comply with the terms of this Consent Agreement and Final Order:
- a. For failure to correct the violations identified in Counts 1 - 40 within ninety (90) days unless a longer schedule is specifically set forth in the Consent Agreement and Final Order or approved by EPA:

<u>Days of Violation</u>	<u>Penalty Per Day Per Violation</u>
1-10 days	\$500
11-30 days	\$1,000
31 or more days	\$5,000

- b. For failure to correct any violations identified in Counts 1 - 40 of the Consent Agreement and Final Order by the deadline set forth in any longer term compliance plan approved by EPA pursuant to paragraph 319 of the Consent Agreement and Final Order:

<u>Days of Violation</u>	<u>Penalty Per Day Per Violation</u>
1-10 days	\$1,000
11-30 days	\$5,000
31 or more days	\$10,000

- c. For failure to take the actions set forth in paragraph 320 of the Consent Agreement and Final Order by the stated deadlines:

<u>Days of Violation</u>	<u>Penalty Per Day Per Action Not Taken</u>
1-10 days	\$500
11-30 days	\$1,000
31 or more days	\$5,000

- d. For failure to submit the certifications required by paragraph 321 by the stated deadline:

<u>Days of Violation</u>	<u>Penalty Per Day Per Certification</u>
1-10 days	\$1,000
11-30 days	\$5,000
31 or more days	\$20,000

- e. For failure to submit the certifications required by paragraphs 322 and 323 or Appendices A and B by the stated deadlines:

<u>Days of Violation</u>	<u>Penalty Per Day Per Certification</u>
1-10 days	\$1,000
11-30 days	\$5,000
31 or more days	\$20,000

- f. For failure to submit a revised compliance plan to EPA as required under paragraph 339 of the Consent Agreement and Final Order, beginning with the date the original plan is disapproved by EPA:

<u>Days of Violation</u>	<u>Penalty Per Day Per Disapproved Plan</u>
1-10 days	\$500
11-30 days	\$1,000
31 or more days	\$5,000

- g. For failure to submit an approvable compliance plan, beginning with the date the revised plan is disapproved by EPA under paragraph 339, of the Consent Agreement and Final Order, \$10,000:

- h. For failure to submit a semi-annual report required by paragraph 344 by the stated deadline:

<u>Days of Violation</u>	<u>Penalty Per Day Per Report</u>
1-10 days	\$1,000
11-30 days	\$5,000
31 or more days	\$10,000

- i. For failure to comply with a request by EPA to provide documents under paragraph 346 by the stated deadline:

<u>Days of Violation</u>	<u>Penalty Per Day Per Request</u>
1-10 days	\$500
11-30 days	\$1,000
31 or more days	\$5,000

- j. For failure to pay the civil penalty set forth in paragraph 342 of the Consent Agreement and Final Order or any stipulated penalty set forth in this paragraph by the stated deadline:

<u>Days of Violation</u>	<u>Penalty Per Day</u>
1-10 days	\$1,000
11-30 days	\$5,000
31 or more days	\$10,000

- k. For failure to submit to EPA, as required by Section VI (Third-Party Independent Compliance Audits of DOI Facilities) of the Consent Agreement and/or Appendix A, an Audit Plan, the name and address of the Auditor DOI has selected to conduct the Audits at DOI's facilities, documentation that such Auditor satisfies the requirements of paragraph 11 of Appendix A or a copy of the contract(s) entered into by DOI with the Auditor, or to inform EPA in writing at least thirty (30) days prior to the start of each quarter the projected dates of the audits for the upcoming quarter:

<u>Days of Violation</u>	<u>Penalty Per Day</u>
1-10 days	\$1,000
11-30 days	\$5,000
31 or more days	\$10,000

- l. For failure to conduct the compliance audits in accordance with the requirements set forth in Appendix A to the Consent Agreement and Final Order:

<u>Days of Violation</u>	<u>Penalty Per Day Per Audit</u>
1-10 days	\$1,000
11-30 days	\$5,000
31 or more days	\$10,000

- m. For failure to give notice to the relevant EPA Regional Office thirty (30) days prior to beginning an Audit at a facility required by Appendix A or to provide immediate

notice to EPA when IA must make a change to the projected date of an Audit: \$10,000 per Audit.

- n. For failure to submit a Summary Audit Report to EPA for each audit conducted in accordance with Appendix A, beginning with the stated deadline that the Summary Audit Report is due:

<u>Days of Violation</u>	<u>Penalty Per Day Per Report</u>
1-10 days	\$1,000
11-30 days	\$5,000
31 or more days	\$10,000

- o. For the first three year cycle of audits and the first year of the second three year cycle (i.e., years 1-4 of the DOI's Audits at each BIA school and BIE water system that serves a BIA school) conducted under Appendix A, for failure to correct any AON identified in an Audit Report for an Audit conducted under Appendix A within ninety (90) days of receipt by DOI of the Audit Report for each facility, unless EPA has specifically approved a Compliance Plan allowing for more than ninety (90) days to correct the AON:

<u>Days of Violation</u>	<u>Penalty Per Day Per AON</u>
1-10 days	\$500
11-30 days	\$1000
31 or more days	\$5,000

- p. With respect to any AON identified in an Audit Report for an Audit conducted under Appendix A where EPA has specifically approved a Compliance Plan allowing for more than ninety (90) days to correct the AON, for failure to correct the AON in accordance with the approved Compliance Plan:

<u>Days of Violation</u>	<u>Penalty Per Day Per AON</u>
1-10 days	\$1,000
11-30 days	\$5,000
31 or more days	\$10,000

- q. For failure to obtain certification by a qualified independent third-party for Respondent's compliance focused EMS in accordance with Appendix B to the Consent Agreement and Final Order, \$100,000.
- r. For failure to implement an EMS meeting all the requirements in Appendix B at each of the facilities listed in Appendices C and D, \$10,000 per facility.

349. Stipulated penalties shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.

350. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of a written demand by EPA for such penalties. Respondent shall make any required payment under this paragraph to the United States by Fed Wire EFT in accordance with written instructions to be provided to Respondent at the time of payment.

351. Complainant may, in his/her sole discretion, reduce or eliminate any stipulated penalty due if Respondent has in writing demonstrated to Complainant's satisfaction good cause for such reduction or elimination. If, after review of Respondent's submission, Complainant determines that Respondent has failed to comply with the provisions of this Consent Agreement and Final Order, and Complainant does not, in his/her sole discretion, eliminate the stipulated penalties demanded, Complainant will notify Respondent, in writing, that either the full stipulated penalty or a reduced stipulated penalty must be paid by the Respondent. Respondent shall pay the stipulated penalty amount indicated in EPA's notice within fifteen (15) calendar days of its receipt of such written notice from EPA. Respondent shall make any required payment under this paragraph to the United States by Fed Wire EFT in accordance with written instructions to be provided to Respondent at the time of payment.
352. Nothing in this Consent Agreement shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this Consent Agreement and Final Order or of the statutes and regulations upon which this Consent Agreement is based, or for Respondent's violation of any applicable provision of law.

XIV. NOTICES TO EPA HEADQUARTERS AND EPA REGIONAL OFFICES

353. Documents required to be submitted to EPA Headquarters and/or the EPA Regional Office with jurisdiction over the facility covered by the document, shall be sent to the address(es) listed in Appendix E.
354. The term 'days' shall mean calendar days. Any submittal due on a Saturday, Sunday, Federal or state holiday shall be due on the following business day.

XV. FORCE MAJEURE

355. A Force Majeure shall mean any event arising from causes beyond the control of a Party that causes a delay in or prevents the performance of any obligation under this Consent Agreement, including, but not limited to: acts of God; fire; war; insurrection; civil disturbance; explosion; unanticipated breakage or accident to machinery, equipment or lines of pipe despite reasonably diligent maintenance; adverse weather conditions that could not be reasonably anticipated; unusual delay in transportation; restraint by court order or order of public authority; inability to obtain, at reasonable cost and after exercise of reasonable diligence, any necessary authorizations, approvals, permits or licenses due to action or inaction of any governmental agency or authority other than DOI; delays caused by compliance with applicable statutes or regulations governing contracting, procurement or acquisition procedures, despite the exercise of reasonable diligence; and insufficient availability of appropriated funds, if DOI shall have made timely request for such funds as part of the budgetary process as set forth in Section XI (Funding) of this Consent Agreement.
356. If any event occurs which causes or may cause delay in the completion of the tasks required under this Consent Agreement and Final Order, Respondent shall notify EPA in writing within fourteen (14) days of such event or within fourteen (14) days of

Respondent's knowledge of the anticipated delay, whichever is earlier. Respondent shall implement all reasonable and feasible measures to avoid or minimize any such delay. Notice under this paragraph shall include a detailed description of: the actual or anticipated length of the delay; the precise cause(s) of the delay; any measures already taken and/or to be taken by Respondent to prevent or minimize the delay; and a timetable for implementation of such measures. Failure by Respondent to comply with the notice requirements of this Section shall render this Section void and of no effect as to the particular event involved and constitute a waiver of the Respondent's right to request an extension of its obligation under this Consent Agreement and Final Order based on such incident.

357. If Respondent and EPA agree that the delay or anticipated delay in complying with this Consent Agreement and Final Order has been or will be caused by circumstances entirely beyond the control of Respondent that could not or cannot be overcome by due diligence (i.e., a "force majeure"), the time for performance hereunder may be extended for a period no longer than the delay resulting from such circumstances. In such event, Respondent and EPA shall stipulate in writing to such extension of time.
358. In the event that EPA does not agree that a delay in achieving compliance with the requirements of this Consent Agreement and Final Order has been or will be caused by a force majeure, EPA, in its sole discretion, will notify Respondent in writing of its decision. Such delays shall not be the basis for any extension of time for the performance of Respondent's obligations under this Consent Agreement and Final Order.
359. The burden of proving that any delay is caused by a force majeure shall rest with Respondent. Increased costs or expenses associated with the implementation of actions required by this Consent Agreement and Final Order shall not, in any event, be a basis for changes in this Consent Agreement or Final Order or extensions of time, hereunder.

XVI. NOTICE TO DOI AND INDIAN TRIBES AND OTHER MATTERS

360. DOI has been afforded the opportunity to confer with EPA regarding the violations of the Clean Air Act as provided for by Section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4). Pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), administrative settlements where the first alleged date of violation occurred more than twelve (12) months prior to the initiation of the action require a joint determination by the Attorney General of the United States and the Administrator that it is appropriate to administratively settle claims older than twelve (12) months. On February 25, 2011, the Administrator and the Attorney General, through their duly authorized representatives, jointly determined pursuant to Section 113(d)(1) that violations preexisting commencement of this action by more than twelve (12) months are appropriately settled in this Consent Agreement and Final Order.
361. DOI has been given notice and afforded the opportunity to confer with EPA regarding the violations of the Safe Drinking Water Act as provided for by section 1447(b)(1)-(3), 42 U.S.C. § 300j-6(b)(1)-(3).

362. On October 9, 2009, via phone conference and December 3, 2009, via written notice, EPA gave notice as provided for by section 1414(a)(1)(A) of the SDWA, 42 U.S.C. § 300g-3(a)(1)(A), to the Navajo Nation of Indians, who has primary enforcement responsibility over the T'iists'ooz'bi'olta System (Crownpoint) (SDWIS ID 093534023), the Mariano Lake Community School System (SDWIS ID 093534010), and the Pueblo Pintado Community School System (SDWIS ID 093534015), that the affected systems did not comply with certain applicable requirements of the SDWA. Also as provided for under that section of the SDWA, EPA gave such advice and technical assistance to the Navajo Nation and to DOI as appropriate to bring the systems into compliance with the requirements by the earliest feasible time. Finally, EPA gave the Navajo Nation an opportunity to confer regarding this Consent Agreement and Final Order as provided for by section 1414(g)(2) of the SDWA, 42 U.S.C. § 300g-3(g)(2), and the Navajo Nation will be sent a copy of this Consent Agreement and Final Order once it has been approved by the EAB.
363. After consultation between EPA and the Navajo Nation, the Navajo Nation decided not to commence an enforcement action. Since the Navajo Nation did not commence an enforcement action within thirty (30) days of EPA's notification to them regarding the noncompliance at the public water systems, EPA has the authority under sections 1414(a)(1)(B) and 1447(b) of the SDWA, 42 U.S.C. §§ 300g-3(a)(1)(B) and 300j-6(b), to require those systems to comply and to collect civil penalties through this Consent Agreement and Final Order.
364. On December 3, 2009, with respect to each public water system listed in Appendix D that is not noted as the primary enforcement responsibility of the Navajo Nation, EPA gave notice to each tribe (or state as appropriate) regarding any noncompliance with SDWA at each of the systems and EPA's intent to take action through an order to bring the systems into compliance.
365. This Consent Agreement shall be submitted to the Environmental Appeals Board for approval after a period of not less than thirty (30) days for consultation with affected Tribes. EPA reserves the right to withdraw its signature from the Consent Agreement if the results of the Tribal consultation regarding the Consent Agreement disclose facts or considerations which indicate that the Consent Agreement is inappropriate, improper, or inadequate. Settling Respondent consents to the submission of this Consent Agreement without further notice and agrees not to withdraw from or oppose ratification of this Consent Agreement by the EAB or to challenge any provision of the Agreement, unless EPA has notified Respondent in writing that it no longer supports ratification of the Agreement.

XVII. EFFECT OF SETTLEMENT

366. Payment of the penalty specified in paragraph 341 of the Consent Agreement and Final Order in the manner set forth in paragraph 342, correction of violations as specified in Section IV (Compliance Provisions), completion of the SEP, full completion of the compliance audits described in Appendix A and correction of any areas of noncompliance discovered by the audits, full implementation of the EMS as required by Appendix B, and full compliance with the provisions of this Consent Agreement

and Final Order and its Appendices shall constitute full and final satisfaction of all civil claims for penalties through June 30, 2008, which Complainant may have under RCRA, CAA, AHERA, and SDWA for the specific violations alleged in paragraphs 14 through 317 above. Compliance with this Consent Agreement and Final Order shall not be a defense to any action commenced at any time for any violations alleged in paragraphs 14 through 317 above that continued past June 30, 2008, or for any other violation of the federal laws and regulations administered by EPA.

367. The Parties specifically agree that this Consent Agreement and Final Order does not absolve Respondent from liability for SDWA violations that continued past, or commenced after, June 30, 2008, at the Keams Canyon Water System (SDWIS ID 090400054), Second Mesa Day School Water System (SDWIS ID 09040057), or Hopi High School Water System (SDWIS ID 090400395). In particular, the Parties acknowledge that the longer term compliance actions necessary to correct violations alleged in the Region 9 AOs will be governed by those Administrative Orders.
368. Failure to comply with any term of this Consent Agreement and Final Order shall void this covenant not to sue, and Respondent specifically waives the right to assert a defense based on the running of the statute of limitations between February 19, 2009, the date of the first tolling agreement, through the date that the United States files a complaint for any of the violations listed in paragraphs 14 through 317 of this Consent Agreement.

XVIII. RESERVATION OF RIGHTS

369. This Consent Agreement and Final Order resolves only the civil claims for monetary penalties through June 30, 2008, for the specific violations alleged in paragraphs 14 through 317 of the Consent Agreement and Final Order. This Consent Agreement does not resolve any criminal liability that Respondent may have as a result of the circumstances described in paragraphs 14 through 317 of the Consent Agreement and Final Order or elsewhere. In addition, this Consent Agreement does not resolve those violations found during audits conducted pursuant to Appendices A or B. Should EPA issue a separate Order concerning a violation found during an audit conducted pursuant to Appendices A or B, or an independent EPA inspection, and there is a conflict between the timeframes for compliance with that Order and timeframes for corrective action pursuant to Appendix A or B, the timeframe in the separate Order will govern compliance. Any penalties set forth in such separate Order will apply rather than the stipulated penalties in Section XIII of the Consent Agreement and Final Order. For any corrective action covered by a separate Order, the reporting requirements of paragraph 345 of the Consent Agreement and Final Order will be fulfilled by a statement in the appropriate semi-annual report(s) that such corrective action is under a separate Order. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies

available to it under RCRA, CAA, AHERA, SDWA, and the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Consent Agreement and Final Order, following its filing with the EAB. Respondent reserves all available rights and defenses it may have to defend itself in any such action except as specifically stated in this Consent Agreement and Final Order.

370. If Respondent fails to correct a violation discovered during an audit conducted pursuant to Appendix A within the time allowed by that Appendix, Respondent specifically waives the right to assert a defense based on the running of the statute of limitations between the time that a violation is identified as an AON by the Auditor in an Audit Report submitted to DOI through the date that EPA files a complaint for the violation.

XIX. ENTIRE CONSENT AGREEMENT

371. This Consent Agreement and Final Order, including all Appendices, constitutes the entire agreement and understanding of the Parties regarding settlement of all claims pertaining to specific violations alleged herein, and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

XX. MODIFICATION

372. The Parties may agree to non-material modifications to this Consent Agreement. Unless specifically allowed in this Consent Agreement by unilateral notice of one of the Parties, non-material modifications shall be in writing and shall be effective when expressly agreed upon by both Parties. For purposes of this paragraph, non-material modifications include, but are not limited to: (i) any modification specifically allowed by another provision of this Consent Agreement; (ii) any modification to the schedules or the corrective action requirements set forth in this Consent Agreement that do not ultimately affect the obligation of Respondent to fully correct all AONs at its facilities within a reasonable time period; (iii) changes in persons and addresses for notification; and (iv), any other modification to this Consent Agreement that does not materially affect the obligations and rights of any Party under this Consent Agreement.

XXI. SEVERABILITY

373. If any provision of this Consent Agreement is ruled invalid, illegal, or unconstitutional, the remainder of the Agreement shall not be affected by such a ruling.

XXII. ANTIDEFIENCY ACT

374. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligation to comply with RCRA, CAA, AHERA, SDWA, and the applicable regulations thereunder, or with this Consent Agreement and Final Order, except as provided in this Consent Agreement and Final Order. Nothing in this Consent Agreement and Final Order shall be interpreted to require obligation or payment of funds in violation of the Antideficiency Act, 31 U.S.C. § 1341.

XXIII. AUTHORITY TO BIND THE PARTIES

375. The undersigned representative of Respondent certifies that he or she is fully authorized by the Respondent to enter into the terms and conditions of this Consent Agreement and Final Order and to bind the Respondent to it.

XXIV. EFFECTIVE DATE

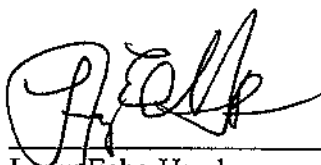
376. This Consent Agreement and Final Order shall become effective upon the issuance of the Final Order by the Environmental Appeals Board.

For Respondent:

The United States Department of the Interior

APR 19 2011

Date



Larry Echo Hawk
Assistant Secretary for Indian Affairs

For Complainant:

U.S. Environmental Protection Agency

Date

Cynthia A. Giles
Assistant Administrator
Office of Enforcement and Compliance Assurance

XXIII. AUTHORITY TO BIND THE PARTIES

375. The undersigned representative of Respondent certifies that he or she is fully authorized by the Respondent to enter into the terms and conditions of this Consent Agreement and Final Order and to bind the Respondent to it.

XXIV. EFFECTIVE DATE

376. This Consent Agreement and Final Order shall become effective upon the issuance of the Final Order by the Environmental Appeals Board.

For Respondent:

The United States Department of the Interior

Date

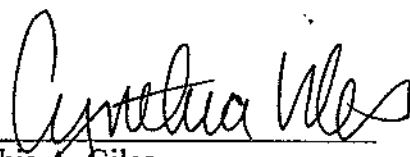
Larry Echo Hawk
Assistant Secretary for Indian Affairs

For Complainant:

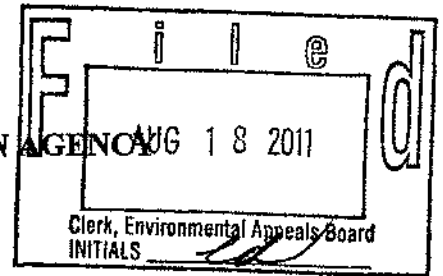
U.S. Environmental Protection Agency

4/9/11

Date


Cynthia A. Giles
Assistant Administrator
Office of Enforcement and Compliance Assurance

**BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**



IN THE MATTER OF _____

United States Department of the Interior, _____

Respondent. _____

Docket No. RCRA-HQ-2011-8006
Docket No. CAA-HQ-2011-8006
Docket No. TSCA-HQ-2011-8006
Docket No. SDWA-HQ-2011-8006

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b), the Environmental Appeals Board ("Board") hereby issues this Final Order ratifying the Consent Agreement executed by Respondent and submitted to the Board by Complainant on August 9, 2011. Complainant and Respondent have consented to the entry of this Final Order and have agreed to comply with the Consent Agreement. It is hereby ORDERED THAT:

1. Respondent shall comply with all of the terms of the Consent Agreement, including the terms relating to the Compliance Audits in Appendix A, the Environmental Management System in Appendix B, and the Supplemental Environmental Project (SEP) in Appendix F, attached to and incorporated by reference into this Final Order;
2. Nothing in the Consent Agreement and Final Order relieves Respondent from complying with the requirement set forth in the Resources Conservation and Recovery Act ("RCRA"), the Clean Air Act ("CAA"), the Toxic Substances Control Act ("TSCA"), and the Safe Drinking Water Act ("SDWA"), and the regulations thereunder;
3. Respondent is assessed a civil penalty in the sum of \$234,844.00, with a cash component of \$0.00, pending appropriate expenditures pursuant to section 207(a) of TSCA.
4. Failure to comply with the RCRA compliance provisions found in paragraph 318 (a) through (g) of the Consent Agreement may subject the Respondent to civil action pursuant to section 3008(c) of RCRA, 42 U.S.C. § 6928(c), and the assessment of civil penalties up to \$25,000 for each day of continuing noncompliance.
5. With respect to all requirements of this Consent Agreement and Final Order except for the RCRA compliance provisions found in paragraph 318 (a) through (g) and the assessment and payment of the penalties in paragraphs 341 and 342, failure to comply with these requirements will void the effect of settlement granted by paragraph 366 of this Consent Agreement and Final Order as provided for in paragraph 368.

6. Failure of Respondent to expend at least \$234,844.00 to comply with Subchapter II of TSCA within four (4) years of the Board's issuance of this Final Order will constitute a breach of the terms of the Consent Agreement and will cause Respondent to become subject to a cash penalty that equals the difference between the assessed civil penalty (\$234,844.00) and the amount determined by EPA to be eligible expenditures under Subchapter II of TSCA.

SO ORDERED

Environmental Appeals Board

August 18, 2011
Date

Charles J. Sheehan
Environmental Appeals Judge
U.S. Environmental Protection Agency

In the Matter of the Department of the Interior

Docket No. HQ-2011-8006

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Proposed Final Order *In the Matter of the Department of the Interior*, Docket No. HQ-2011-8006, has been filed with the EPA Environmental Appeals Board and that copies were sent accordingly:

Certified Mail, Return Receipt Requested

Stephen L. Simpson, Esq.
Division of Indian Affairs
Office of the Solicitor
Department of the Interior
1849 C Street, NW
Washington, DC 20240

EPA Interoffice Mail Delivery

Sybil Anderson (Mail Code: 1900L)
Headquarters Hearing Clerk
U.S. Environmental Protection Agency
1099 14th Street NW, Suite 350 Franklin Court
Washington, DC 20005

EPA Interoffice Mail Delivery

Gracie Pendleton (Mail Code: 2261A)
Office of Enforcement and Compliance Assurance
Federal Facilities Enforcement Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460-0001

AUG 18 2011

Date



Annette Duncan (Mail Code: 1103B)
U.S. Environmental Protection Agency
Environmental Appeals Board
Ariel Rios Building
1200 Pennsylvania Avenue NW
Washington, DC 20460-0001

APPENDIX A

THIRD-PARTY MULTI-MEDIA AUDITS OF DOI FACILITIES

I. INTRODUCTION

1. This Appendix is part of and incorporated into the accompanying Consent Agreement and Final Order (“CAFO”) by and between the U.S. Environmental Protection Agency (“Agency” or “EPA”) and the U.S. Department of the Interior (“Department”, “DOI”, or “Respondent”). The actions required of DOI under this Appendix will be undertaken by the Office of the Assistant Secretary – Indian Affairs (“IA”). The Bureau of Indian Education (“BIE”) and Bureau of Indian Affairs (“BIA”) are components of IA. The purpose of this Appendix is to set forth the terms, conditions, and tasks IA, through an independent, third-party auditor (“Auditor”), will undertake in conducting multi-media compliance audits (“Audits”) at BIE schools and BIA public water systems serving BIE schools. IA will require independent, third-party audits at BIE schools and BIA public water systems serving BIE schools. The audit cycle is a continuous three-year cycle, with each facility being audited once during each three-year cycle. Although both parties understand that the audits will continue on this continuous cycle thereafter, the requirements in this Appendix for EPA oversight of the audits, including those listed below in paragraph 2, will apply only to those audits conducted during the first four years after the date of approval of the CAFO by the Environmental Appeals Board (“EAB”).
2. Audit requirements include:
 - the audit plan, Auditor qualifications, scheduling, and audit conduct requirements found in subsections II.A-E;
 - the reporting requirements found in subsections II.F and G;
 - the corrective measures requirements found in subsection II.H;
 - the certification requirements found in subsection II.I; and
 - the record retention requirements found in section III.
3. IA agrees to come into compliance with all federally enforceable environmental statutory and regulatory requirements at all facilities audited pursuant to this Appendix.

II. THE MULTI-MEDIA COMPLIANCE AUDITS

A. Scope of the Audits

4. The Audits described herein are intended and designed, inter alia, to advance the protection of human health, welfare, and the environment, and to assure compliance with all federally enforceable environmental requirements.

5. The Audits must cover all statutory and regulatory requirements listed below and be comprehensive enough to allow the Auditor to determine whether the facility being audited is in compliance with these statutory and regulatory requirements:
- a. Clean Air Act (“CAA”): 42 U.S.C. §§ 7401-7671q and its implementing regulations;
 - b. Clean Water Act (“CWA”): 33 U.S.C. §§ 1251-1387 and its implementing regulations;
 - c. Safe Drinking Water Act (“SDWA”): 42 U.S.C. §§ 300f-300j-26 and its implementing regulations;
 - d. Emergency Planning and Community Right-to-Know Act (“EPCRA”): 42 U.S.C. §§ 11001-11050 and its implementing regulations;
 - e. Resource Conservation and Recovery Act (“RCRA”): 42 U.S.C. §§ 6901-6992k and its implementing regulations;
 - f. Toxic Substances Control Act (“TSCA”): 15 U.S.C. §§ 2601-2695d and its implementing regulations;
 - g. Asbestos Hazard Emergency Response Act (“AHERA”): 15 U.S.C. §§ 2641-2656, and its implementing regulations; and
 - h. Any future federally enforceable environmental statutory requirements and implementing regulations applicable to these facilities that are effective at the time of the audits.

B. Schedule for Conducting Audits

6. IA agrees to perform audits through an independent, third-party auditor at each of the BIE schools listed in Appendix C and the BIA public water systems (“PWSs”) listed in Appendix D. The audits will be conducted on a continuous three-year cycle beginning with the first fiscal quarter of FY2012 (i.e., October 01, 2011), with each facility being audited once during each three-year cycle. The list which sets out those schools and PWSs that will be audited during each fiscal year for the first three-year cycle of audits is included as Appendix G to this CAFO. IA may direct its Auditor to conduct the audit of a facility at any time during the year the facility is scheduled to be audited in Appendix G, as long as the following criteria are met, unless otherwise agreed to in writing by IA and EPA:
- a. the Auditor may not audit more than twenty (20) facilities during any fiscal quarter;
 - b. the Auditor may not audit more than fifteen (15) facilities in any one EPA Region during any fiscal quarter; and

- c. IA must give notice to EPA Headquarters and the relevant EPA Regional Office at least thirty (30) days prior to beginning an Audit at a facility.
- 7. For the fourth year of audits after approval of the CAFO by the EAB, IA shall direct its Auditor to conduct audits at any of the schools or PWSs listed in Appendices C and D as long as the above criteria are still met.
- 8. IA will inform EPA Headquarters and the relevant EPA Regional Office in writing at least thirty (30) days prior to the start of each fiscal quarter of the projected dates of the audits for the upcoming quarter as agreed between IA and the Auditor. If IA must make any changes to the projected schedule it provides, IA shall provide immediate notice of those changes to EPA. If IA reasonably determines that it cannot adhere to the annual schedule found in Appendix G (i.e., that it needs to move one or more audits to a different fiscal year within the three-year cycle), IA shall submit a revised Appendix G to EPA immediately upon determining that it needs to rearrange the annual schedule of audits found in Appendix G. A revised audit schedule is not considered to be a modification to the Audit Plan requiring EPA approval under paragraph 15 of this Appendix, provided that the revised audit schedule meets all the requirements set out in paragraphs 6 and 7 of this Appendix.
- 9. All revised schedules for the third-party audits that are submitted to EPA under this CAFO shall be incorporated into the CAFO.

C. Description of the Auditor

- 10. IA shall retain an independent, third-party environmental auditor(s) (“Auditor”) to perform all Audits conducted in accordance with this Appendix.
- 11. At a minimum, the Auditor(s) shall have:
 - a. a bachelor’s degree and no less than three (3) years experience in performing compliance audits for each of the environmental statutes and regulations listed in paragraph 5, unless such regulation or statutory requirement derives from a law which becomes effective and enforceable after the effective date of this CAFO;
 - b. up-to-date subject matter and technical training for each of the environmental statutes and regulations listed in paragraph 5; and
 - c. no conflict of interest that will compromise, in any way, the performance of the Audits required by this Appendix, including, but not limited to, current or previous employment at the facility being audited. Additionally, if applicable, the Auditor and the Auditor’s staff shall meet the requirements set forth in 18 U.S.C. § 207, Post-Employment Restrictions.
- 12. Within thirty (30) days of awarding the contract, IA shall transmit to EPA Headquarters the following information:

- a. a description of the Auditor's qualifications, including the name and address of the company and the Auditor's experience in conducting environmental audits;
- b. a copy of the audit contract; and
- c. documentation that such independent, third-party Auditor satisfies the requirements of paragraph 11 of this Appendix.

D. The Audit Plan

13. IA shall require the Auditor(s) to follow an Audit Plan to conduct a multi-media compliance audit at each of the facilities that covers the statutory and regulatory requirements listed in paragraph 4 and is comprehensive enough to allow the Auditor to determine whether the facility being audited is in compliance with each of these statutory and regulatory requirements. IA may require the Auditor to design this Audit Plan or it may provide one to the Auditor to facilitate alignment with Respondent's Environmental Management Assessment Program ("EMAP"), included as Appendix H to the CAFO.
14. The Audit Plan shall include:
 - a. the annual schedules for the three-year cycle of audits beginning with the date of approval of the CAFO by the EAB;
 - b. milestones for performance; and
 - c. a description of the following tools and protocols to be used during the audits:
 - i. the audit manual that describes the basic approach to be used for conducting the audits. The audit manual should include: (1) Instructions to Auditors on the audit scope and approach; (2) Auditor responsibilities; (3) Instructions on how audit evidence to support audit findings will be gathered; (4) Instructions on how audit findings will be documented and communicated to facility management; (5) Instructions to Auditors on responding to facility conditions and/or audit findings that may present an imminent and substantial endangerment to public health, welfare, or the environment or that require, by law, immediate reporting to EPA or another implementing agency; and (6) Remedial action/corrective action responsibilities;
 - ii. the audit protocol or checklist that describes all regulatory compliance areas to be covered during the audits; and
 - iii. pre-site visit questionnaires that will be distributed to facility management.
 - d. provisions for the Auditor to prepare and submit to the facility management and IA an Audit Report for each Audit in accordance with section F (The Audit Report) of this Appendix.

15. Within thirty (30) days of the approval of the CAFO by the EAB, IA shall provide EPA Headquarters with the Audit Plan. EPA shall give its approval or disapproval of the Audit Plan within thirty (30) days of official receipt. If EPA disapproves some or all of the Audit Plan, EPA shall instruct IA on how to cure the deficiencies. Within 30 days of receiving EPA's disapproval, in whole or in part, of the Audit Plan, IA shall resubmit a new Audit Plan to EPA Headquarters that fully addresses all of EPA's objections and incorporates all of EPA's instructions for cure. The Audit Plan shall be incorporated into the CAFO.
16. Upon written request by IA and for good cause shown, EPA, in its sole discretion, may allow Respondent to modify the requirements of the Audit Plan set forth in the above paragraphs. EPA shall state in writing the specific modifications to the requirements of the Audit Plan that it is approving, if any, and such modifications shall be incorporated into the Audit Plan and the CAFO. EPA shall give its express approval or disapproval in writing within forty-five (45) days of official receipt of such request.

E. The Audits

17. IA shall require the Auditor to initiate and complete the Audits within the time frames set forth in the Audit Plan.
18. Each facility audit shall cover the period beginning five years prior to the Audit at that facility.
19. IA shall insure that the facilities being audited will fully cooperate with the conduct of the Audit and requests made by the Auditor before, during, and after the Audit.
20. For the first four years of Audits, beginning with the first fiscal quarter of FY 2012, IA shall give notice to the EPA Headquarters and the relevant EPA Regional Office at least thirty (30) days prior to beginning an Audit at a facility so that EPA has the opportunity to be present during the Audit.
21. IA shall have at least one employee accompany the Auditor for the purpose of observing the Audit and assisting the Auditor in gaining access to documents, persons, and places on site.
22. IA shall immediately notify EPA Headquarters and the relevant EPA Regional office of any condition the Auditor finds during an Audit that may present an imminent or substantial endangerment to public health, welfare, or the environment. IA shall require the Auditor to cooperate fully with any requests made by IA in investigating the potential endangerment. IA shall cooperate fully with any requests made by EPA in investigating the potential endangerment. Nothing in this paragraph shall relieve IA of any other obligation imposed by any applicable federal, state, tribal, and/or local law or order requiring notification or response to the endangerment. The notification requirement of this paragraph is in addition to and shall not substitute for any such obligation.

F. The Audit Report

23. IA shall require the Auditor to submit an Audit Report to IA within thirty (30) days of completion of the Audit for each facility that is audited. The Audit Report shall include:
- a. the name and address of the facility audited and the dates of the Audit;
 - b. a description of the information reviewed and the on-site activities conducted by the Auditor to perform the audit in accordance with this Appendix;
 - c. a detailed description of each suspected area of noncompliance (AON) found at each facility, including the days of noncompliance, if known, with the regulatory requirement;
 - d. supporting data and information documenting each suspected AON, such as analytical data, schematic diagrams and photographs, environmental permits, monitoring data, and invoices of installed equipment;
 - e. a copy of the information provided by IA to the Auditor regarding the date each building at the facility was constructed, if reasonably known, and IA's certification of a records review conducted to obtain such information, all to be provided as an attachment to the audit report;
 - f. a recommendation on what corrective measures need to be taken by IA to address each suspected AON;
 - g. a description of any problems or difficulties, if any, in performing the Audit and the measures taken to address such problems or difficulties at each facility; and
 - h. a certification by the Auditor that the Audit has been fully completed in accordance with the relevant provisions of this Appendix and the Audit Plan.
24. IA shall provide a copy of any Audit Report to EPA Headquarters and the EPA Regional Office with jurisdiction over the facility covered by the document within fourteen (14) days of any request by EPA.

G. The Summary Audit Report

25. IA shall submit a separate Summary Audit Report to EPA Headquarters and the relevant EPA Regional Office within forty-five (45) days of completion of the Audit at that facility. The Summary Audit Report shall include:
- a. the name and address of the facility audited and the dates of the Audit;
 - b. a brief description of suspected AONs identified during the Audit, including the days of noncompliance if known, along with the regulatory requirements;

- c. a copy of the information provided by IA to the Auditor regarding the date each building at the facility was constructed, if reasonably known, and IA's certification of a records review conducted to obtain such information, all to be provided as an attachment to the Audit Report; and
- d. a recommendation on what corrective measures need to be taken by IA to address each suspected AON.

H. Corrective Measures

- 26. IA shall immediately take all necessary and appropriate actions at any facility with a suspected AON that may present an imminent and substantial endangerment to human health, welfare, or the environment upon learning of the suspected AON and the risk it may present. IA shall immediately initiate measures necessary to correct and remediate any harm caused or threatened by any other suspected AON discovered during the audit if such action is reasonably possible at the time of the audit. IA shall fully correct all suspected AONs no later than ninety (90) days after receipt of the Audit Report and institute effective measures to prevent such AONs from recurring in the future.
- 27. If IA cannot fully correct any suspected AON within ninety (90) days of receipt of the Audit Report, IA shall develop a Compliance Plan that includes a detailed description of the measures necessary to correct the suspected AON and a schedule for implementing those measures as expeditiously as possible. IA shall submit the Compliance Plan to EPA Headquarters and the relevant EPA Regional Office for review and approval within thirty (30) days of IA's receipt of the Audit Report. Review and approval of the Compliance Plan shall be done in accordance with Section IX (EPA Review and Approval of Compliance Plans) of the CAFO. IA shall correct the suspected AON in accordance with the approved (if required) Compliance Plan.
- 28. Nothing in this Appendix shall relieve IA of any obligation imposed by any applicable federal, state, tribal, and/or local laws and requirements.

I. Certification of Completion of Corrective Measures

- 29. Upon completing all measures needed to correct all suspected AONs at a facility, including fully implementing any approved Compliance Plan, IA shall submit the following certification to EPA Headquarters:

I certify that Indian Affairs (IA) has fully corrected the violations identified in the Audit Report for [insert name of facility] within 90 days of receipt of the Report, or within the timeframe allowed by any Compliance Plan approved by EPA. I certify that, to the best of my knowledge and belief, the information contained in this written certification and in any documents accompanying this certification is true, accurate, and complete. In making this statement, I have not made an independent review of all statements contained therein and have relied in good-faith on information, statements, and representations furnished to me by employees or contractors of IA. Based on my inquiry of the person or persons (or the

supervisors of such persons) directly responsible for gathering the information contained in this written certification and in any documents accompanying this certification, this document is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant potential penalties for submitting materially false information, including the possibility of fines and imprisonment for knowing violations.

30. The certification shall be signed by the Assistant Secretary of Indian Affairs or his designee and submitted in the next semi-annual report required by paragraph 344 and 345 of the CAFO.

III. RECORD RETENTION

31. IA shall maintain, for a period of nine (9) years from the date of approval of the CAFO by the EAB, legible electronic or paper copies for inspection and/or a request for documentation by EPA of the following:
 - a. the Audit Report for each facility audited;
 - b. any and all underlying research and data provided to the Auditor that formed the basis of the determinations found in each Audit Report;
 - c. each inspection checklist used by the Auditor;
 - d. the original records pertaining to the actual implementation and/or performance of the Audits, including photographs, other recorded images, and the Auditor's handwritten notes; and
 - e. the original records pertaining to the correction of all AONs identified during the Audits, including purchase orders, work orders, invoices, notes, photographs, and other recorded images.

IV. NOTIFICATION OF CONTACTS

32. Except as otherwise specified herein, whenever this Appendix requires notice or submission of reports, information, or documents, such notice or submission shall be provided to the person(s) identified in paragraph 353 of the CAFO.

APPENDIX B

ENVIRONMENTAL MANAGEMENT SYSTEM (EMS)

I. INTRODUCTION

1. This Appendix is part of and incorporated into the accompanying Consent Agreement and Final Order (“CAFO”) by and between the U.S. Environmental Protection Agency (“Agency” or “EPA”) and the U.S. Department of the Interior (“Department”, “DOI” or “Respondent”). The actions required of DOI under this Appendix will be undertaken by the Office of the Assistant Secretary—Indian Affairs (“IA”). The Bureau of Indian Education (“BIE”) and the Bureau of Indian Affairs (“BIA”) are components of IA. The purpose of this Appendix is to set forth the terms and conditions IA must undertake in developing and implementing a compliance-focused, tiered Environmental Management System (“IA EMS” or “EMS”) at BIE schools and BIA public water systems serving BIE schools.
2. IA shall implement an EMS that reflects the EMS elements and framework referenced in the ISO 14001:2004(E) International Standards and is in accordance with Executive Order (E.O.) 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*, to achieve continual improvement in environmental performance and to manage IA operations in a sustainable, effective, and efficient manner. The scope of the IA EMS shall include all organizational levels (higher level, middle level, and lowest level tiers) within IA and encompass BIA and BIE program operations and field operations. The IA EMS shall include, but not be limited to, a compliance focus to assist BIE schools and BIA public water systems serving BIE schools to comply with federal environmental requirements and protect human health and the environment.
3. The purpose of developing an IA EMS includes, but is not limited to, assisting BIE schools and BIA public water systems serving BIE schools in their efforts to comply with federal environmental requirements, improve environmental performance, and protect human health and the environment.

II. ENVIRONMENTAL MANAGEMENT SYSTEM

4. IA shall develop, implement, and maintain an IA EMS that meets the terms of, or is equivalent to, ISO 14001 EMS standards (ISO 14001 Second edition 2004 11-15) and also includes additional environmental regulatory compliance-based standards described in paragraph 5 of this Appendix at all BIE schools and BIA public water systems serving BIE schools listed in Appendices C and D.
5. Compliance-based EMS Requirements: IA shall include the following environmental regulatory compliance-based standards in the IA EMS:
 - a. Environmental Policy
 - i. Clearly communicates management commitment to achieving compliance with all applicable federal environmental statutes, regulations, enforceable agreements, and permits (“environmental requirements”); minimizing risks to

the environment from unplanned or unauthorized releases of hazardous or harmful contaminants; and continually improving environmental performance.

- ii. State IA's intent to provide adequate personnel and other resources for implementing the IA EMS.

b. Organization, Personnel, and Oversight

- i. Provides organizational descriptions as to how the IA EMS is implemented and maintained.
- ii. Identifies units, line management, and individuals having environmental performance and regulatory compliance responsibilities, including organizational charts and lines of authority.
- iii. Identifies and defines specific duties, roles, responsibilities, and authorities of key environmental and other program personnel in implementing and sustaining the IA EMS (e.g., could include position descriptions and performance standards for IA personnel, and excerpts from personnel descriptions of those having specific environmental program and regulatory compliance responsibilities).
- iv. Includes ongoing means of communicating environmental issues and information to DOI, IA personnel, on-site service providers, and contractors, and for receiving and addressing their concerns.

c. Accountability and Responsibility

- i. Specifies accountability and environmental responsibilities of IA's managers, on-site service providers, and contractors for environmental protection and risk reduction measures, assuring compliance, required reporting to regulatory agencies, and corrective actions implemented in their area(s) of responsibility.
- ii. Describes environmental performance plans for managers and employees responsible for compliance policies, standards, and procedures.
- iii. Describes potential consequences for departure from specified operating procedures, including potential liability for administrative penalties imposed by EPA as a result of noncompliance.

d. Environmental Requirements

- i. Describes a process for identifying, interpreting, and effectively communicating environmental requirements to IA personnel, on-site service providers, and contractors, and for ensuring that the school facilities' and public water systems' activities conform to those requirements (i.e., ongoing compliance monitoring).
- ii. Establishes and describes procedures for identifying and obtaining information about changes and proposed changes in environmental requirements, and

incorporating those changes into the IA EMS (i.e., regulatory “change management”).

- iii. Establishes and describes a process to ensure communication with regulatory agencies regarding environmental requirements and regulatory compliance at BIE schools and BIA public water systems serving BIE schools.
 - iv. Describes a process for developing, implementing, and maintaining ongoing internal compliance monitoring to ensure that activities conform to applicable environmental requirements. Compliance monitoring shall include audits, inspections, and measurements, as appropriate.
- e. Assessment, Prevention, and Control
- i. Identifies an ongoing process for assessing operations for the purposes of preventing, controlling, or minimizing reasonably foreseeable releases, environmental process hazards, ensuring environmental protection, and maintaining compliance with statutory and regulatory requirements. This section shall describe monitoring and measurements, as appropriate, to ensure sustained compliance. It shall also include identifying operations and waste streams where equipment malfunctions and deterioration, operator errors, and discharges or emissions may be causing or may lead to: (1) releases of hazardous waste or other pollutants to the environment, (2) a threat to human health or the environment, or (3) noncompliance with environmental requirements.
 - ii. Describes a process for identifying operations and activities where documented operating criteria, such as standard operating practices (“SOPs”), are needed to prevent noncompliance or unplanned/unauthorized releases of hazardous or harmful contaminants and defines a uniform process for developing, approving and implementing the SOPs.
 - iii. Describes a system for conducting and documenting routine, objective self-inspections by trained school and public water system staff and IA supervisors, to check for malfunctions, deterioration, worker adherence to operating criteria and SOPs, unusual situations and unplanned or unauthorized releases.
 - iv. Describes the “management of change” process to ensure identification and consideration of environmental requirements, environmental aspects/impacts, and potential operator errors or deliberate malfeasance during planning, design and operation of ongoing, new and/or changing buildings, processes, equipment, maintenance activities and products.
- f. Environmental Audits, Incidents and Noncompliance Investigations
- i. Documents a system for conducting multi-media audits of BIE schools and BIA public water systems serving BIE schools as documented in Appendix A.

- ii. Requires IA to audit each facility, including any for which it becomes responsible after the signing of this CA/FO, for compliance with all applicable environmental requirements at least once every three years.
 - iii. Requires audit results, including all potential violations and release incidents to be reported to upper management and shall be corrected by Respondent as soon as possible.
 - iv. Describes standard procedures and requirements for internal and external reporting of potential or actual violations and release incidents.
 - v. Establishes procedures for investigation and prompt and appropriate correction of potential violations. This investigation process includes conducting a root-cause analysis of identified problems identified in multi-media audits to aid in developing the corrective actions.
 - vi. Describes a system for developing, tracking, and verifying the effectiveness of corrective and preventative actions.
 - vii. Specifies self-testing of each of these procedures, where practicable.
- g. Environmental Training, Awareness, and Competence
 - i. Identifies specific education and training required for IA personnel, or those acting on IA's behalf, as well as a process for documenting training provided.
 - ii. Describes a program to ensure that IA employees, or those acting on IA's behalf, are aware of its environmental policies and procedures, environmental requirements, and their roles and responsibilities within the IA EMS.
 - iii. Describes a program to ensure that IA personnel, or those acting on IA's behalf, responsible for meeting and maintaining compliance with environmental requirements are competent to carry out these duties on the basis of appropriate education, training, and/or experience.
 - iv. Identifies training on how to recognize operations and waste streams where equipment malfunctions and deterioration and/or operator errors or deliberate malfeasance are causing or have the potential to cause: (1) unplanned or unauthorized releases of hazardous or harmful contaminants to the environment, (2) a threat to human health or the environment, or (3) noncompliance with environmental requirements.
- h. Environmental Planning and IA Decision-Making
 - i. Describes how environmental planning is integrated into IA organizational decision-making, including plans and decisions on capital improvements, product and process design, training programs, and maintenance activities.
 - ii. Requires IA to establish, on an annual basis, written targets, objectives, and action plans at all appropriate managerial and organizational facility levels,

including contractor operations conducted, and how specified actions will be tracked and progress reported. Targets and objectives will include actions that reduce the risk of noncompliance with federally enforceable environmental requirements and minimize potential for accidental or unauthorized releases of hazardous or harmful contaminants.

i. Maintenance of Records and Documentation

- i. Identifies types of records developed in support of the IA EMS (including audits and reviews); who maintains them, security measures to prevent their unauthorized disclosure, where appropriate; and protocols for responding to inquiries and requests for release of information.
- ii. Specifies the data management systems for environmental data including, but not limited to, the tracking of any internal wastes and hazardous waste determinations.
- iii. Specifies document control procedures.

j. Pollution Prevention Program

- i. Describes an internal program, process, or procedure for preventing, reducing, recycling, reusing, and minimizing waste and emissions, including procedures and incentives to encourage material substitutions.

k. Continuing Program Evaluation, Periodic Reviews, and Improvement

- i. Describes a process for periodic evaluation (at least annually) of the IA EMS, incorporates the results of the reviews into the IA EMS program improvements and revisions to the manual, and communicates findings and action plans to school and public water system management, affected employees, on-site service providers, contractors, and others acting on the school or water system's behalf. The internal EMS reviews shall be a systematic and documented verification process to ensure ongoing conformity with the IA EMS, and to determine whether there is a system of continual improvement and integration into the IA EMS, as new issues are identified through compliance audits or other means. EPA reserves the right to request a copy summary report of any internal BIE/BIA EMS review conducted pursuant to this Appendix, and in accordance with the provisions set forth in paragraph 346 of Section XII (Record Keeping and Reporting) of the Agreement.

l. Public Involvement/Community Outreach

- i. Describes a process for ongoing internal and external communications and feedback with federally recognized Tribes regarding the environmental aspects of IA's operations.

III. SCHEDULE FOR DEVELOPMENT AND IMPLEMENTATION

6. Upon approval of this Agreement by the EAB, IA shall design and develop a compliance-based EMS to help prevent future noncompliance.
7. IA shall begin implementing the IA EMS at the BIE schools and BIA public water systems serving BIE schools no later than the beginning of FY2012 (i.e., October 1, 2011).

IV. EMS CONSULTANT

8. While IA is not required to obtain ISO 14001 certification, determination of IA's conformance with the standards set forth in ISO 14001 and the environmental regulatory compliance-based standards and elements described in paragraph 5 of this Appendix must be made by a qualified, independent, third-party auditor ("EMS consultant").
9. The EMS consultant(s) used by IA for the EMS conformance audit must have current ISO 14001 lead auditor certification credentials and experience in auditing EMSs for schools and drinking water systems and should know federal environmental requirements pertaining to all of IA's facilities. IA shall provide the identity of the EMS consultant in the next semi-annual report required by paragraph 345 of the CAFO.
10. The EMS conformance audit must be completed by December 31, 2012. IA will certify that the EMS conformance audit has been completed and submit to EPA Headquarters a copy of the audit report produced by the EMS consultant and conducted pursuant to this Appendix within forty-five (45) days after the completion of the audit and in accordance with the provisions set forth in paragraph 347 of Section XII (Record Keeping and Reporting) of the Agreement.

V. COMPLETION AND CERTIFICATION OF EMS IMPLEMENTATION

11. Upon IA implementation of the IA EMS at all of its BIE schools and BIA public water systems serving BIE schools including the EMS conformance audit and recognition of the audit findings and a corrective action plan by the appropriate level of BIE or BIA, IA shall declare the EMS in conformance with all appropriate requirements under the CEQ Guidance for implementation of E.O. 13423 and 515 DM 4 and this Appendix. IA shall submit the following certification to EPA Headquarters, together with a copy of the appropriate declaration of conformance, within forty-five (45) days after the completion of the EMS conformance audit:

I certify that Indian Affairs, Department of the Interior has fully implemented an EMS that meets all the requirements of Appendix B to the Consent Agreement and Final Order at [insert name of Education Line Office]. I am aware that I may be subject to both civil and criminal penalties for intentionally submitting a false certification. I certify that, to the best of my knowledge and belief, the information contained in this written certification and in any documents accompanying this certification is true, accurate, and complete. In making this statement, I have not made an independent review of all statements contained therein and have relied in good-faith on information, statements, and representations furnished to me by employees or contractors of Indian Affairs, U.S. Department of the Interior. Based on my inquiry of the person or persons (or the supervisors of such persons)

directly responsible for gathering the information contained in this written certification and in any documents accompanying this certification, this document is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant potential penalties for submitting materially false information, including the possibility of fines and imprisonment for knowing violations.

The certification shall be signed by the Assistant Secretary—Indian Affairs or a senior official designated to act in this capacity.

VI. STIPULATED PENALTIES

12. In the event IA fails to comply with any of the terms and conditions of this Appendix, IA shall be liable for stipulated penalties according to the provisions set forth in Section XIII (Stipulated Penalties) of this CAFO.

APPENDIX C

BIE-OWNED SCHOOLS SUBJECT TO THE CAFO AND FFCA

SCHOOLS SORTED BY EPA REGION

EPA Region 1

1. Beatrice Rafferty School
2. Indian Island School
3. Indian Township School

EPA Region 4

4. Ahafachkee Indian School
5. Choctaw Central High School
6. Choctaw Central Middle School
7. Pearl River Elementary School

EPA Region 5

8. Lac Courte Oreilles Ojibwa School
9. Bahweting Anishnabe School (JKL)
10. Bug-O-Nay-Ge-Shig School / Gym / H.S.
11. Circle of Life Survival School
12. Fond du Lac Ojibwe School
13. Menominee Tribal School
14. Nay-Ah-Shing School
15. Oneida Nation Elementary School

EPA Region 6

16. Southwest Indian Polytechnic Institute (SIPI)
17. Jicarilla Dormitory
18. Ohkay Owingeh Community School
19. San Ildelfonso Day School
20. Santa Clara Day School
21. Te Tsu Geh Oweenge Day School (Tesuque)
22. Taos Day School
23. Isleta Elementary School
24. Jemez Day School
25. Laguna Elementary School
26. Laguna Middle School
27. San Felipe Pueblo Elementary School
28. Sky City Community School
29. T'siya (Zia) Day School
30. Eufaula Dormitory
31. Jones Academy
32. Riverside Indian School
33. Sequoyah High School

34. Chitimacha Day School

EPA Region 7

35. Haskell Indian Nation University
36. Kickapoo Nation School

EPA Region 8

37. Northern Cheyenne Tribal School
38. St. Stephens Indian School
39. Blackfeet Dormitory
40. Two Eagle River School
41. Cheyenne-Eagle Butte School
42. Pierre Indian Learning Center
43. Takini School
44. Tiospaye Topa School
45. Crow Creek Reservation High School
46. Crow Creek Sioux Tribal Elementary School
47. Lower Brule Day School
48. Circle of Nations-Wahpeton Indian Boarding School
49. Flandreau Indian Boarding School
50. American Horse School
51. Crazy Horse School
52. Little Wound School
53. Loneman Day School
54. Pine Ridge School
55. Porcupine Day School
56. Wounded Knee District School
57. Marty Indian School
58. Sicangu Owaye Oti (Rosebud Dormitory)
59. St. Francis School
60. Sitting Bull Day School (Tatanka Wakanyeja Oti)
61. Rock Creek Grant School
62. Standing Rock Community School
63. Tate Topa Tribal School (Four Winds)
64. Dunseith Day School
65. Mandaree Day School
66. Ojibwa Indian School
67. Turtle Mountain Community Elementary School
68. Turtle Mountain High School
69. Turtle Mountain Community Middle School
70. Twin Buttes Day School
71. White Shield School

EPA Region 9

72. Blackwater Community School
73. Casa Blanca Community School
74. Cibecue Community School
75. Gila Crossing Day School
76. John F. Kennedy Day School
77. Salt River Elementary School
78. Santa Rosa Boarding School
79. Santa Rosa Ranch School
80. San Simon School
81. Theodore Roosevelt School
82. Tohono O'odham High School
83. Black Mesa Community School
84. Chinle Boarding School
85. Cottonwood Day School
86. Jeehdeez'a Academy Inc. (Low Mountain)
87. Lukachukai Community School
88. Many Farms High School
89. Nazlini Community School
90. Pinon Community School
91. Rock Point Community School
92. Rough Rock Community School
93. Alamo Navajo Community School
94. Baca/Dio'ay Azhi Community School
95. Bread Springs Day School
96. Chi-Chil-tah (Jones Ranch Community School)
97. Dibe Yazhi Habltin' O'lta', Inc. (Borrego Pass Day School)
98. Dzilth-Na-O-Dith-Hle Community School
99. Hanaa'dli (Huerfano) Community School
100. Lake Valley Navajo School
101. Mariano Lake Community School
102. Na'Neelzhiin Ji'Olta (Torreon)
103. Ojo Encino Day School
104. Pueblo Pintado Community School
105. T'iists'oozi'bi'olta (Crownpoint)
106. To'Hajilee (Canoncito)
107. Tse'ii'ahi Community School (Standing Rock)
108. Wingate Elementary School
109. Wingate High School
110. Ch'ooshgai Community School (Chuska)
111. Crystal Boarding School
112. Dilcon Community School
113. Greasewood Springs Community School, Inc.
114. Tiisyaatin Residential Hall (Holbrook)
115. Hunters Point Boarding School
116. Kin Dah Lich'i Olta

117. Pine Springs Day School
118. Seba Dalkai Boarding School
119. Wide Ruins Community School
120. Winslow Residential Hall
121. First Mesa Elementary School
122. Second Mesa Day School
123. Havasupai Elementary School
124. Hopi Day School
125. Hopi High School
126. Hotevilla Bacavi Community School
127. Keams Canyon Elementary School
128. Moencopi Day School
129. Aneth Community School
130. Atsa'Biya azh Community School
131. Aztec Dormitory
132. Beclabito Day School
133. Cove Day School
134. Nenahnezad Community School
135. Red Rock Day School
136. Sanostee Day School
137. Shiprock Reservation Dormitory
138. Shiprock Northwest High School
139. T'iis Nazbas Community School (Teecnospos)
140. Tohaali' Community School (Toadlena)
141. Duckwater Shoshone Elementary School
142. Pyramid Lake High School
143. Sherman High School
144. Chilchinbeto Community School
145. Dennehotso Boarding School
146. Greyhills Academy High School
147. Kaibeto Boarding School
148. Kayenta Community School
149. KinLani Bordertown Dormitory (Flagstaff)
150. Leupp School, Inc.
151. Little Singer Community School
152. Naa Tsis' Ana Community School (Navajo Mountain)
153. Richfield Residential Hall
154. Rocky Ridge Boarding School
155. Shonto Preparatory School
156. Tonalea School (Red Lake)
157. Tuba City Boarding School
158. Pine Hills School

Region 10

159. Chemawa Indian School
160. Coeur d' Alene Tribal School

161. Muckleshoot Tribal School
162. Quileute Tribal School
163. Yakama Tribal School
164. Shoshone Bannock School

BIA-APPENDIX D

BIA-OWNED WATER SYSTEMS SUBJECT TO THE CAFO AND FFCA

WATER SYSTEMS SORTED BY EPA REGION

EPA Region 5

Bug-O-Nay-Ge-Shig School / Gym / H.S.	050594204
	050594212
	050594214

EPA Region 6

Taos Day School
San Felipe Pueblo Elementary School
Santa Clara Day School

EPA Region 8

American Horse School	084690466
Crazy Horse School	084690468
Flandreau BIA School	084690465
Porcupine Day School	084690469
St. Stephens Indian School	085690011
Wounded Knee District School	085690467
Little Wound (Kyle) School	
Pine Ridge Community School (Oglala)	
Crow Creek High School	
Northern Cheyenne Tribal School	
St. Francis Indian School	
Dunseith Day School	

EPA Region 9

Baca/Dio'ay Azhi Community School	093534002
Bread Springs Day School	093534004
Chi-Chil-tah Boarding School	093534005
Cibecue School	090400049
T'iists'ooz'bi'olta (Crownpoint)	093534023
Dibe Yazhi Habltin' O'lta', Inc. (Borrego Pass)	093534003
Dzilth-Na-O-Dith-Hle Community School	093534024
Hanaa'dli (Huerfano) Community School	093534006
Hopi High School	090400395
Hotevilla Bacavi Community School	090400052
John F. Kennedy Day School	090400053
BIA Hopi Agency (Keams Canyon)	090400054
Lake Valley Navajo School	093534010
Mariano Lake Community School	093534010

Na'Neelzlin Ji'Olta (Torreon)	093534018
Ojo Encino Day School	093534018
Pine Hills School	NN3500250
Pueblo Pintado Community School	093534015
Rough Rock Community School	NN0435212
San Simon School	090400229
Second Mesa Day School	090400057
Standing Rock Community School (Tse'ii'ahi)	093534016
Theodore Roosevelt School	090400249
Wingate Elementary School	093534020
Wingate High School	093534021
Sherman Indian High School	
Ch'ooshgai Community School (Chuska)	
Shonto Preparatory School	
T'iis'Nazbas Community School (Teechnospos)	
Sanostee Day School	

Region 10

Chemawa Indian School	104101132
Indian School District 512 (Shoshone-Bannock)	101600011

APPENDIX E

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APPENDIX F

GLOBAL SETTLEMENT AGREEMENT FOR SCHOOLS IN INDIAN COUNTRY SCOPE OF WORK FOR SUPPLEMENTAL ENVIRONMENTAL PROJECT

Havasupai School Renewable Energy Project

Project implementation will require outreach and collaboration with the Havasupai Tribe of the Havasupai Reservation to approve the solar photovoltaic (PV) power system for the school. Within 30 days of EPA final approval for the SEP, Indian Affairs will begin the design phase of the project. The design phase will last 90 days. The project will begin construction in 60 days after final design completion. The project construction will take approximately 120 days. See Table 2 for the proposed project schedule. Indian Affairs will begin to procure design services using a contract for this project immediately after EPA final approval for the SEP. The final deliverable of the design services contract will be the preparation of construction documents. Indian Affairs will coordinate with EPA the final review and approval of the construction documents. Indian Affairs will then solicit these construction documents for bids for construction services.

Project Description: The project will benefit the Havasupai Elementary School located at the bottom of the Grand Canyon adjacent to Grand Canyon National Park. The Havasupai Elementary School is a K-8 school. The project will be located on Long Mesa on the rim of the canyon above the Havasupai Elementary School (Map 1). The proposed PV site is 10,000 feet from the school. The project will use existing overhead Power lines that go to Supai from Long Mesa. The project proposal is for a 750 kW h Solar Photo-Voltaic Electric System. A photovoltaic (PV) system uses solar cells to convert light into electricity. Indian Affairs will use a similar design paradigm to the Nellis Air Force Base Solar Power Plant that is approximately 50 miles east of Havasupai and is designed with a modular approach and sun tracking systems (Photo). The Havasupai project will employ the modular approach but will not employ sun tracking, which will reduce operations and maintenance costs. The Havasupai system will consist of free standing photovoltaic power units. These power units have 12 solar panels on each of them. The power units will be arranged in rows. The power generated in a row will make up a branch circuit. The branch circuit will have a dedicated inverter that converts the Direct Current, generated by the solar cells, to Alternating Current. The Alternating Current from each row will then be routed to a transformer and then via a grid tie to the transmission line to the Supai village. Approximately 2,000 PV panels will be required for an area of approximately 5 acres, and project construction cost is estimated at \$1,212,750.

Area Description: The Havasupai Reservation, approximately 300 miles of canyon country, is located at the bottom of the Grand Canyon adjacent to the South Rim of Grand Canyon National Park (Map 2). There are 503 residents on the Reservation that is about 172 miles from Flagstaff, Arizona. The nearest community is Peach Springs on the Hualapai Reservation, 72 miles away. Access to the isolated Village of Supai on the canyon floor is by horseback or foot via a steep 8-mile hiking trail or by helicopter. Parts of the Reservation are so remote that the homes have never been electrified. Electric power is supplied to the community by a 70 mile distribution line from Mohave Electric Cooperative's (MEC's) Nelson sub-station via the Havasupai Long Mesa switch above the Supai Village. The underground distribution

system in the village has been recently upgraded and repaired to help assure more reliable electric service. However, the Reservation has frequent service disruptions and power quality problems attributed to the poor condition of the 70 mile distribution line connection and the BIA makes emergency repairs. Any upgrades or maintenance of the distribution line is beyond the scope of this proposed SEP. The entrance of the proposed PV electrical distribution system would be downstream of the 70 mile distribution line.

Public Health Impact: Without reliable, affordable electric service, residents must depend on wood and LP Gas for heating and cooking. According to the Tribe, this lack of reliable electric service perpetuates the poverty and prevents sustainable development on the Reservation. Electric power will open the door to improved housing, clean, safe drinking water, and telecommunications services.

The proposed SEP project will account for all the electrical needs of the school and an additional 25 homes in the area. The project will assist in the availability of a dependable, reliable and stable source of power for the Reservation. The water system has frequent outages; most of these are due to no electricity. IA will configure the system in Supai to supply the School and the water system first. Currently, when the electricity goes out the water system completely shuts down. The emergency generators are dependent on fuel that is flown in via helicopter. The fuel for these generators runs out very quickly and resupply takes days. Using the existing electrical system in Supai, IA will configure that system to only supply electricity to the school and the water system. This power from the PV system would only be available during the day, and the water system can be configured to pump when the PV power is available and being generated this would reduce the reliance on the emergency generators. In addition, with the PV supplied power solely dedicated to the school and water system, the supplied power should be able to meet the needs of both school and the water pumping without using the emergency generators.

Pollution Prevention and Reduction: The Project will provide for an ecologically sensitive energy plan for this area. The project will offset electricity currently provided by MEC's fossil fueled power plant. The system will produce 750 kW h of power, which will be produced during the midday hours, meeting the electric needs of both school and to local area residents for many days of the year. The project will eliminate 3.7 million pounds of carbon dioxide from entering the environment.

We believe there is considerable nexus with the Safe Drinking Water Act, the Air Pollution Act, and the Resource Conservation and Recovery Act. This photovoltaic project proposal is not in response to any existing Statutory or E.O. requirement and would not otherwise be funded, however it is consistent with the Administration's policies for renewable energy.

Project Cost Estimate and Proposed Schedule: The IA Office of Facilities, Management and Construction has developed preliminary cost estimates for the system as shown in Table 1. and a preliminary project schedule with interim steps as shown in Table 2. Cost estimates and project schedule are based upon some of the following considerations. A Civil Engineer with special drainage experience will be required for the site selection and grading plan. The Civil Engineer will survey for the lease and conduct a topographical survey for the

design grading, drainage, and PV loading. An Electrical Engineer will be required to assess and review the program design throughout the design and construction process. A NEPA specialist will review the proposed project for environmental and other potential impacts while an Archaeologist must document potential and actual impacts on or near the site.

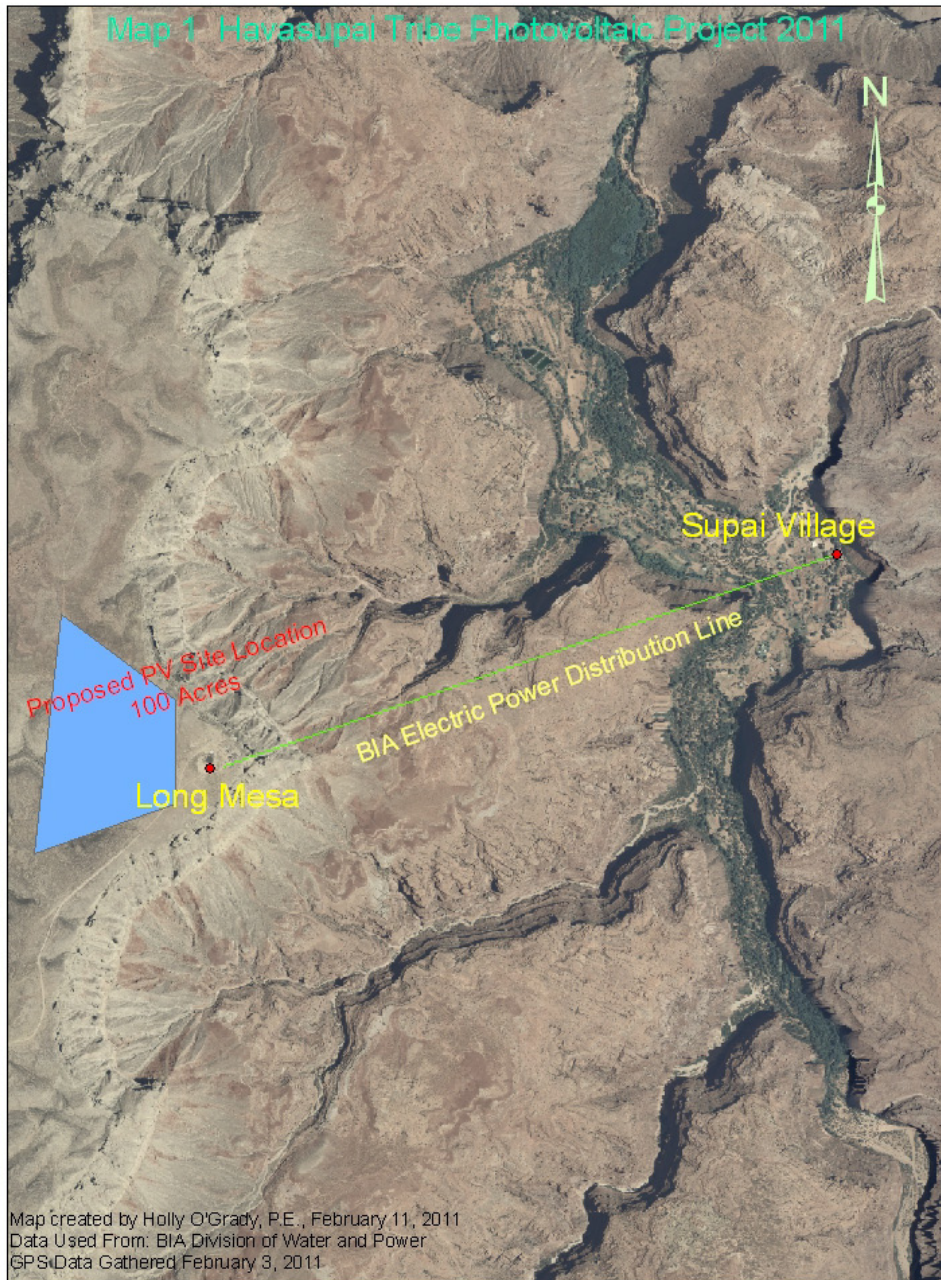
Table 1. Havasupai, AZ PV Project Preliminary Costs Estimate

Survey of the Area:	\$ 9,500
Archeological Review and Report:	\$ 10,000
NEPA development:	\$ 12,000
Engineering:	\$ 80,000
PV Panels:	\$ 693,000
PV Panels Stands:	\$ 408,250
Total Estimated Costs:	\$ 1,212,750

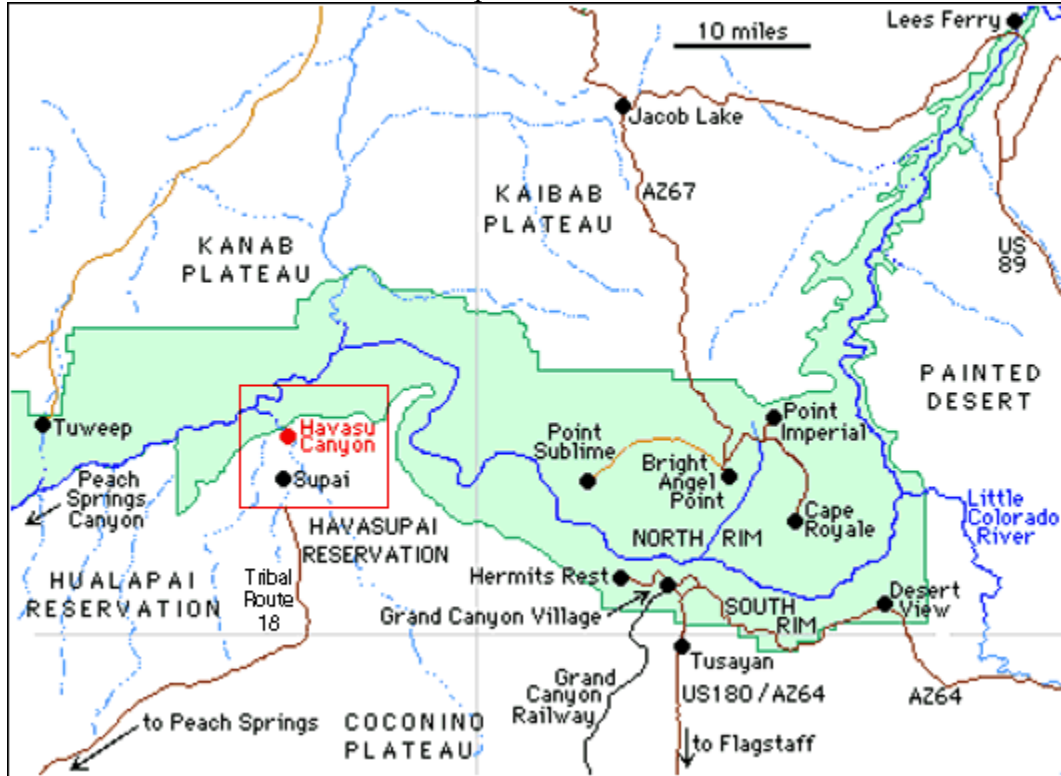
Table 2. Proposed Project Schedule for Havasupai, AZ PV Project

From Date of Project Approval and Funding	Task Time (Months)	Total Time (Months)
Survey of the Area:	1	1
Archeological Review and Report:	1	2
NEPA Review	2.5	4.5
Engineering and Project Bidding:	3	7.5
Construction Time:	4	11.5
Estimated Project Schedule:	11.5 Months	

Map 1. Proposed location of Havasupai Photovoltaic Project.



Map 2. Overview of the Grand Canyon National Park, referencing Village of Supai in the Havasupai Reservation.



Photograph: Nellis Air Force Base, Nevada. The Solar Power Plant in Nevada is a 70,000 solar-panel installation, which at 14 megawatts, is the largest in North America.



APPENDIX G

ENVIRONMENTAL MULTI-MEDIA AUDIT (EMAP) SCHEDULE FY2012 - 2015						
Education Line Office and School	Water System	EPA Region	2012	2013	2014	2015
Cheyenne River ELO						
A01-15 Tiospaye Topa School (K-12)-D		8	1			1
A01-12 Cheyenne Eagle Butte School (K-12)-CoB		8		1		
A 02-05 Pierre Indian Learning Center School-GO		8	1			1
A01-05 Takini School (k-12)-GD		8	1			1
Pine Ridge ELO						
A06-16 Pine Ridge (Oglala Comm) School (K-12)-B		8		1		
A06-02 American Horse (Allen) School (K-8)-GD	1	8		1		
A06-23 Crazy Horse School (K-12)-GD	1	8			1	
A06-05 Little Wound (Kyle) School (K-8)-GD		8			1	
A06-13 Loneman Day School (K-8)-GD		8			1	
A06-18 Porcupine Day School (K-8)-GD	1	8		1		
A06-06 Wounded Knee District School (K-8)-GD	1	8		1		
Rosebud ELO						
A08-04 Marty Indian School (K-12)-GD		8		1		
A07-10 Sicangu Owayawa Oti School (1-12)-GP		8			1	
A07-09 ST. Francis Indian School (K-12)-GD		8		1		
Standing Rock ELO						
A10-05 Tatanka Wakanyeja Oti (Little Eagle)(K-6)-GD		8		1		
A10-03 Rock Creek Grant School (K-6)-GD		8			1	
A10-08 Standing Rock Comm School (K-12)-GD		8		1		
A05-03 Tate Topa Tribal School (K-8)-GD		8			1	
Turtle Mountain ELO						
A11-02 Duniseith Day School (K-8)-D		8			1	
A04-03 Mandan Day School (K-12)-GD		8			1	
A11-08 Ojibwa Indian School (K-8)-GD		8			1	
A11-09 Turtle Mountain Comm Elem School (K-5)-GD		8			1	
A11-09 Turtle Mountain Middle School (^-8)-CoD		8			1	
A11-11 Turtle Mountain High School (9-12)-GD		8			1	
A04-04 Twin Buttes Day School (K-8)-GD		8			1	
A04-05 White Shield School (K-12)-GD		8			1	
Crow Creek Lower Burle ELO						
A14-04 Crow Creek Reservation H.S. (6-12)-GB		8		1		
A14-02 Crow Creek Sioux Tribal Elementary School-GD		8		1		
A15-02 Lower Brule Day School (K-12)-GD		8			1	
F70-02 Flandreau Indian Boarding School (K-12)-GD	1	8			1	
Oklahoma ELO						
B01-02 Riverside Indian School (4-12)-P		6			1	
B04-06 Kickapoo Nation School		7	1			1
G07-02 Eufaula Dorm (1-12) - GP		6	1			1
G08-02 Sequoyah High School (K-12) - GD		6		1		
G09-02 Jones Academy (1-12)-GP		6	1			1
Billings ELO						
C51-03 Blackfeet Dormitory (1-12)-P		8	1			1
C58-10 St. Stephens Indian School (K-12)-GD	1	8			1	
C57-04 N. Cheyenne Tribal School (K-12)-GD		8			1	
P31-02 Two Eagles River School - GD		8			1	
P04-02 Shoshone Bannock School - GD	1	10			1	
Minneapolis ELO						

ENVIRONMENTAL MULTI-MEDIA AUDIT (EMAP) SCHEDULE FY2012 - 2015

Education Line Office and School	Water System	EPA Region	2012	2013	2014	2015
F60-02 JKL Bahweting Anishnabe School (K-8) - GD		5			1	
F53-13 Bug-O-Nay-Ge-Shig School (K-12) - GD	3	5	1			1
F53-14 Circle of Life School (K-12) - GD		5		1		
F80-02 Circle of Nations School (5-8) - GO		5		1		
F53-15 Fond du Lac Oibwe School (K-12) - GD		5		1		
F55-14 Lac Coute Oreilles School (K-12) - GD		5		1		
F58-04 Menominee Tribal School (K-8) - GD		5		1		
F53-18 Nay-Ah-Shing School (K-12) - GD		5	1			1
F55-15 Oneida Nation Elem School (K-12) - GD		5		1		
Arizona South ELO (Phoenix)						
H52-12 John F. Kennedy School (K-8)-D	1	9		1		
H54-21 Santa Rosa Boarding School (K-8)-B		9			1	
H54-11 Santa Rosa Ranch School (K-8)-D		9			1	
H54-22 San Simon School (K-8)-D	1	9			1	
H54-25 Tohono O'odham H.S. (9-12)-D		9			1	
H57-13 Casa Blanca Comm School (K-4)-GD		9		1		
H55-12 Salt River Elem School (K-6)-GD		9			1	
H52-21 Theodore Roosevelt School (6-8)-GB	1	9		1		
H52-11 Cibecue Comm School (K-12)-GD	1	9	1			1
H57-14 Gila Crossing Day School (K-8)-GD		9		1		
H57-12 Blackwater Comm School (K-2)-GD		9		1		
H65-01 BIA Hopi Agency (Keams Canyon)	1	9		1		
Arizona North ELO (Hopi)						
H65-24 First Mesa Elen School (K-6)-D		9			1	
H68-07 Havasupai Elem School (K-8)-D		9			1	
H65-21 Keams Canon School (K-6)-D		9			1	
H65-15 Moencopi Day School (K-6) - GD		9		1		
H65-12 Second Mesa Day School (K-6) - GD	1	9		1		
H65-13 Hopi Day School (K-6) - GD		9		1		
H65-22 Hopi Jr/Sr. H.S. (7-12) - GD	1	9		1		
H65-14 Hotevilla Bacavi Comm School (K-6) - GD	1	9		1		
Sacramento ELO						
H60-02 Sherman Indian High School (9-12)-B		9			1	
H64-08 Duckwater Shoshone Elem (K-8)-GD		9			1	
H61-07 Pyramid Lake High School (7-12)-GD		9			1	
New Mexico North ELO						
M25-13 San Ildelfonso Day School (K-6)-D		6		1		
M25-16 Santa Clara Day School (K-8)-D		6		1		
M25-19 Taos Day School (K-8)-D		6		1		
M25-20 Te Tsu Gehg Oweenge (Tesuque) School (K-6)-D		6		1		
M50-02 Jicarilla Dorm (1-12)-GP		6			1	
M25-14 Ohkay Owingeh Comm School (K-8)-GD		6			1	
New Mexico South ELO						
M 20-04 Isleta Elem School (K-6)-D		6			1	
M20-05 Jemez Day School (K-8)-D		6			1	
M20-12 San Felipe Pueblo Elem School (K-7)-D		6		1		
M20-02 Sky City Comm School (K-8)-D		6			1	
M20-22 T'siya (Zia) Elem and Middle School (K-7)-D		6		1		
M21-02 Laguna Elem School (K-5)-GD		6			1	
M21-03 Laguna Middle School (6-8)-GD		6			1	

ENVIRONMENTAL MULTI-MEDIA AUDIT (EMAP) SCHEDULE FY2012 - 2015

Education Line Office and School	Water System	EPA Region	2012	2013	2014	2015
New Mexico Navajo North ELO (Shiprock)						
N32-02 Aneth Comm Sch (K-8)-B		9			1	
N32-04 Beclabito Day School (K-4)-D		9			1	
N32-05 Cove Day School (K-6)-D		9			1	
N32-06 Nenahnezad Comm School (K-6)-B		9			1	
N32-07 Red Rock Day School (K-8)-D		9		1		
N32-09 Sanostee Day School (K-3)-D		9			1	
N32-10 Tiis Nazbas (Teecnospos) Comm School (K-8)-B		9		1		
N32-17 Atsa'Biya'a'zh Comm School (K-6)-GD		9		1		
Shiprock Reservation Dormitory		9	1			1
Shiprock Northwest H.S.		9	1			1
N32-03 Aztec Dorm (9-12)-GP		9		1		
New Mexico Navajo South ELO (Gallup)						
Alamo Day School - GD		9			1	
H34-02 Baca Dio'ay Azhi (K-6)-D	1	9	1			1
N34-04 Bread Springs Day School (K-3)-D	1	9			1	
N34-05 Chi Chil'Tah (Jones Ranch Sch)(K-8)-B	1	9			1	
N36-03 Ch'ooshjai Comm School (K-8)-GB		9		1		
Pine Hills School (K-12)-GB	1	9		1		
N32-11 Tohaali'Comm School (Toadlena)(K-8)-B		9	1			1
N34-25 To'Haihiilee-He (Canoncito) Day School (K-12) - GD		9		1		
N34-20 Wingate Elem School (K-8)-D	1	9	1			1
N34-21 Wingate High School (9-12)-B	1	9	1			1
Arizona Navajo North ELO (Tuba City)						
N N33-04 Dennehotso Boarding School (K-8)-B		9			1	
N33-07 Kaibeto Boarding School (K-8)-B		9			1	
N33-08 Kayenta Comm School (K-8)-B		9	1			1
N33-15 Rocky Ridge Boarding School (K-8)-B		9			1	
N33-13 Tonalea School (Red Lake) School (K-8)-D		9	1			1
N33-19 Tuba City Boarding School (K-8)-B		9	1			1
N33-22 Greyhills Academy High School - GB		9	1			1
N33-16 Shonto Preparatory School (K-8) - GB		9		1		
N33-02 Chilcihinbeto Comm School (K-8) - GD		9		1		
N33-05 KinLani Bordertown Dorm (9-12) - GP		9		1		
N33-09 Leupp School, Inc. (K-12) - GB		9		1		
N33-24 Little Singer Comm School (K-6) - GD		9		1		
N33-11 Naa Tsis'Ana Comm School (K-8) - GB		9		1		
N33-14 Richfield Residential Hall (9-12) - GP		9		1		
New Mexico Navajo Central ELO (Crownpoint)						
N34-03 Dibe Yazhi habitiin Otta Sch (Borrego Pass)	1	9			1	
N34-10 Lake Valley Navajo School (K-8)-B	1	9			1	
N34-12 Mariano Lake Comm School (K-6)-B	1	9			1	
N34-18 Na'Neelzhin Ji'Olta (Toreon Day)(K-8)-D	1	9			1	
N34-13 Ojo Encino Day School (K-8)-D	1	9			1	
N34-15 Pueblo Pintado Comm School (K-8)-B	1	9			1	
N34-23 T'lists'ooz'Bi'Olta (Crownpoint) School (K-8)-B	1	9			1	
N34-16 Tse'ii'ahi Comm (Standing Rock) Sch (K-4)-D	1	9			1	
N34-24 Dziith-na-o-dith-hle Comm School - GB	1	9		1		
N34-06 Hanaa'dli Comm School (Huerfano) (K) - GP	1	9		1		
Arizona Navajo Central ELO (Chinle)						

ENVIRONMENTAL MULTI-MEDIA AUDIT (EMAP) SCHEDULE FY2012 - 2015

Education Line Office and School	Water System	EPA Region	2012	2013	2014	2015
N35-20 Chinle Boarding School (K-8)-B		9	1			1
N35-04 Cottonwood Day School (K-8)-D		9			1	
N35-21 Many Farms High School (9-12)-B		9	1			1
N35-23 Black Mesa Comm School (K-8)-GD		9		1		
N35-06 Jeehdeez'a Academy School (K-5)-GD		9			1	
N35-07 Lukachukai Comm School (K-8) - GB		9		1		
N35-09 Nazlini Comm School (K-8) - GB		9		1		
N35-10 Pinon Comm School (K-12) - CP		9		1		
N35-11 Rock Point Comm School (K-12) - CD		9		1		
N35-12 Rough Rock Comm School (K-12) - GB	1	9		1		
Arizona Navajo South (Fort Defiance) ELO						
N36-05 Crystal Boarding School (K-6)-B		9		1		
N36-11 Hunters Point Boarding School (K-5)-B		9		1		
N36-18 Pine Springs Day School (k-4)-D		9		1		
N36-19 Seba Dalkai Boarding School (K-9)-B		9		1		
N36-05 Dilcon Comm School (K-8)-GB		9		1		
N38-08 Greasewood Springs Comm School (K-8)-GB		9		1		
N36-09 Tisyaatin (Holbrook) Residential Hall (9-12)-GB		9		1		
N36-14 Kin Dah Lichi'Otta'(K-6)-GB		9		1		
N36-24 Wide Ruins Comm School (K-6)-GB		9		1		
N36-25 Winslow Residential Hall (7-12)-GP		9		1		
Seattle (Portland) ELO						
P02-02 Chemawa Indian School (9-12)-O	1	10		1		
P05-02 Coeur d'Alene Tribal School (K-8) - GD		10		1		
P10-12 Muckleshoot Tribal School (K-12)-GD		10		1		
P10-02 Quileute Tribal School (K-9)-GD		10			1	
P11-20 Yakama Tribal School (9-12)-GD		10			1	
Southern and Eastern States ELO						
S53-02 Ahafachkee Indian School (K-12)-GD		4			1	
S56-02 Beatrice Rafferty School (K-8)-GD		1		1		
S50-09 Chitmacha Day School (K-8)-GD		6			1	
S78-23 Choctaw Central High School (9-12)-GB		4			1	
Choctaw Central Middle School (7-8)-GD		4			1	
S50-06 Indian Island School (K-8)-GD		1		1		
S50-04 Indian Township School (K-8)-CD		1		1		
S78-25 Pearl River Elem School (K-6) - GD		4	1			1
POST SECONDARY SCHOOLS						
L03-01 Haskell Indian Nations University		6			1	
Southwest Indian Polytechnic Institute		6			1	
	36		23	73	69	23

Tribally-owned Schools and Water Systems not included in the IA EMAP Audits 1/3/2011

Schools	Water System	EPA Region	Date Transferred
M60-14 Mescalero Apache Tribal School	1	6	
P03-02 Paschal Sherman Indian School	1	10	
P10-13 Wa-He-Lut Indian School	1	10	
S52-03 Cherokee Central High School	None Identified	4	May 2005
S52-01 Cherokee Central Elementary School	None Identified	4	May 2005
S78-13 Red Water Elem School (K-8) - GD	None Identified	4	
S78-15 Tucker Elem School	None Identified	4	Not BIA
S70-21 Boque Chitto Elementary School	None Identified	4	
S78-22 Conehatta Elementary School	None Identified	4	
S54-02 Miccosukee Indian School	None Identified	4	
S78-14 Standing Pine Elem School	None Identified	4	
M01-02 Santa Fe Indian School	None Identified	6	
F60-07 Hannahville Indian School	None Identified	5	
G03-02 Chickasaw Childrens Village	None Identified	6	
F51-01 Meskwaki Settlement School	None Identified	7	
A09-07 Tiospa Zina Tribal School	None Identified	7	
A11-12 Trenton School	None Identified	8	
A16-02 Theodore Jameson Elem School	None Identified	8	
N32-13 Shiprock Alternative School (Dorm)	None Identified	9	
N32-15 Shiprock Northwest High School	None Identified	9	
N32-16 Navajo Preparatory	None Identified	9	
J54-02 Noli School	None Identified	9	
P 10-15 Chief Leschi School (Puyallup)	None Identified	10	
P10-17 Lummi High School	None Identified	10	
P 10-14 Lummi Tribal School	None Identified	10	
Bay Mills Community College	None Identified	5	Not BIA
College of Menominee Nation	None Identified	5	Not BIA
Leech Lake Tribal College	None Identified	5	Not BIA
Saginaw Chippewa Tribal College	None Identified	5	Not BIA
Little Prist Tribal College	None Identified	7	Not BIA
Nebraska Indian Community College	None Identified	7	Not BIA
Blackfeet Community College	None Identified	8	Not BIA
Cankdeska Cikana Community College	None Identified	8	Not BIA
Chief Dull Knife College	None Identified	8	Not BIA
Fort Belknap Community College	None Identified	8	Not BIA
Fort Berthold Community College	None Identified	8	Not BIA
Fort Peck Community College	None Identified	8	Not BIA
Little Big Horn College	None Identified	8	Not BIA
Oglala Lakota Community College	None Identified	8	Not BIA
Salish Kootenai College	None Identified	8	Not BIA
Sinte Gleska University	None Identified	8	Not BIA
Sisseton Wahpeton Community College	None Identified	8	Not BIA
Sitting Bull College	None Identified	8	Not BIA
Stone Child Community College	None Identified	8	Not BIA
Turtle Mountain Community College	None Identified	8	Not BIA
Dine College	None Identified	9	Not BIA
Tohono O'odham Community College	None Identified	9	Not BIA
Hisagvik College	None Identified	10	Not BIA
Northwest Indian College	None Identified	10	Not BIA

APPENDIX A

ENVIRONMENTAL MULTI-MEDIA AUDIT (EMAP) SCHEDULE FY2011 - 2015							
Grey shade = EMAP Completed							
Red Locations - Locations listed in the EPA CAFO							
Red numbers - Baseline audit							
REGION	Water System	EPA Region	2011	2012	2013	2014	2015
A00-01 GREAT PLAINS							
A01-01 Cheyenne River Agency					1		
A01-02 Cheyenne River Detention				1			1
Cheyenne River ELO							
A01-15 Tiospaye Topa School (K-12)-D		VIII		1			1
A01-12 Cheyenne Eagle Butte School (K-12)-CoB		VIII			1		
A 02-05 Pierre Indian Learning Center School-GO		VIII		1			1
A01-05 Takini School (k-12)-GD		VIII		1			1
A01-01 Ft Berthold Agency			1			1	
A04-07 Twin Butte Roads Shop					1		
A04-13 Mandaree Law Enforcement Center				1			1
A04-06 Mandaree Roads Shop					1		
A04-14 White Shields Law Enforcement Center				1			1
A04-08 White Shields Roads Shop					1		
A05-01 Ft Totten Agency			1			1	
A05-02 Ft Totten Detention Center			1			1	
A06-01 Pine Ridge Agency					1		
A06-17 Porcupine Roads				1			1
A06-28 Medicine Root Detention				1			1
A06-29 Loneman Law Enforcement				1			1
A06-30 Porcupine Law Enforcement				1			1
A06-31 Wamblee Law Enforcement			1			1	
A06-32 Pine Ridge Detention				1			1
A06-33 Oglala Sioux Tribal Offenders Facility				1			1
Pine Ridge ELO							
A06-16 Pine Ridge (Oglala Comm) School (K-12)-B		VIII			1		
A06-02 American Horse (Allen) School (K-8)-GD	Yes	VIII			1		
A06-23 Crazy Horse School (K-12)-GD	Yes	VIII	1			1	
A06-05 Little Wound (Kyle) School (K-8)-GD		VIII	1			1	
A06-13 Loneman Day School (K-8)-GD		VIII	1			1	
A06-18 Porcupine Day School (K-8)-GD	Yes	VIII			1		
A06-06 Wounded Knee District School (K-8)-GD	Yes	VIII			1		
A07-01 Rosebud Agency					1		
A17-04 Rosebud Agency Law Enforcement/Detention				1			1
Rosebud ELO							
A08-04 Marty Indian School (K-12)-GD		VIII			1		
A07-10 Sicangu Owayawa Oti School (1-12)-GP		VIII	1			1	
A07-09 ST. Francis Indian School (K-12)-GD		VIII			1		
A08-01 Yankton Agency					1		
A09-01 Sisseton Agency					1		
A10-01 Standing Rock Agency					1		
A10-02 Standing Rock Law Enforcement/Detention				1			1
Standing Rock ELO							
A10-05 Sitting Bull (Tatanka Wakanyeya Oti) (K-6)-GD		VIII			1		
A10-03 Rock Creek Grant School (K-6)-GD		VIII	1			1	
A10-08 Standing Rock Comm School (K-12)-GD		VIII			1		
A05-03 Tate Topa Tribal School (K-8)-GD		VIII	1			1	
A11-01 Turtle Mountain Agency					1		

ENVIRONMENTAL MULTI-MEDIA AUDIT (EMAP) SCHEDULE FY2011 - 2015

Grey shade = EMAP Completed

Red Locations - Locations listed in the EPA CAFO

Red numbers - Baseline audit

REGION	Water System	EPA Region	2011	2012	2013	2014	2015
A11-13 Turtle Mountain Detention				1			1
Turtle Mountain ELO							
A11-02 Duniseth Day School (K-8)-D		VIII	1			1	
A04-03 Mandan Day School (K-12)-GD		VIII	1			1	
A11-08 Ojibwa Indian School (K-8)-GD		VIII	1			1	
A11-09 Turtle Mountain Comm Elem School (K-5)-GD		VIII	1			1	
A11-09 Turtle Mountain Middle School (K-8)-CoD		VIII	1			1	
A11-11 Turtle Mountain High School (9-12)-GD		VIII	1			1	
A04-04 Twin Buttes Day School (K-8)-GD		VIII	1			1	
A04-05 White Shield School (K-12)-GD		VIII	1			1	
A13-01 Winnebago Agency					1		
A13-02 Omaha Tribal Police Dept/Detention				1			1
A14-01 Crow Creek Agency					1		
A14-13 Crow Creek Law Enforcement Center				1			1
Crow Creek Lower Brule ELO							
A14-04 Crow Creek Reservation H.S. (6-12)-GB		VIII			1		
A14-02 Crow Creek Sioux Tribal Elementary School-GD		VIII			1		
A09-03 Enemy Swim Day School (K-8)-GDA09-03		VIII	1			1	
A15-02 Lower Brule Day School (K-12)-GD		VIII	1			1	
F70-02 Flandreau Indian Boarding School (K-12)-GD	Yes	VIII	1			1	
A15-01 Lower Brule Agency					1		
B00-01 SOUTHERN PLAINS							
B04-01 Horton Agency			1			1	
B05-01 Concho Agency			1			1	
Concho Law Enforcement				1			1
B06-01 Anadarko Agency			1			1	
B07-01 Pawnee Agency			1			1	
Shawnee Agency (Kickapoo)			1			1	
Anadarko Law Enforcement				1			1
Oklahoma ELO							
B01-02 Riverside Indian School (4-12)-P		VI	1			1	
Kickapoo Nation Tribal School		VI		1			1
L03-01 Haskell Indian Nations University		VI	1			1	
C50-01 ROCKY MOUNTAIN							
C51-01 Blackfeet Agency				1			1
C51-02 Blackfeet Detention				1			1
Billings ELO							
C51-03 Blackfeet Dormitory (1-12)-P		VIII		1			1
C58-10 St. Stephens Indian School (K-12)-GD	yes	VIII	1			1	
C57-04 N. Cheyenne Tribal School (K-12)-GD		VIII	1			1	
P31-02 Two Eagles River School - GD		VIII	1			1	
P04-02 Shoshone Bannock School - GD	closed	X	1			1	
C52-01 Crow Agency				1			1
C52-02 Crow Law Enforcement Center				1			1
C55-01 Fort Belknap Agency			1			1	
C55-13 Fort Belknap Law Detention			1			1	
C56-01 Fort Peck Agency				1			1
C56-02 Fort Peck Detention				1			1

ENVIRONMENTAL MULTI-MEDIA AUDIT (EMAP) SCHEDULE FY2011 - 2015							
Grey shade = EMAP Completed							
Red Locations - Locations listed in the EPA CAFO							
Red numbers - Baseline audit							
REGION	Water System	EPA Region	2011	2012	2013	2014	2015
C57-01 N. Cheyenne Agency			1			1	
C57-13 N. Cheyenne Detention			1			1	
C58-01 Wind River Agency			1			1	
C58-02 Wind River Adult Detention Center			1			1	
C59-01 Rocky Boy Agency			1			1	
E00-01 ALASKA							
E03-01 Fairbanks Field Office				1			1
E01-01 Anchorage Field Office (West Central Field Office)				1			1
F50-01 MIDWEST							
F52-01 Red Lake Field Office				1			1
F52-13 Red Lake Detention Center				1			1
F53-02 Minnesota Agency				1			1
F53-32 Nett Lake Law Enforcement / Detention				1			1
F55-01 Great Lakes Agency				1			1
F58-08 Menominee Tribal Detention Center				1			1
F60-01 Michigan Agency				1			1
Minneapolis ELO							
F60-02 JKL Bahweting Anishnabe School (K-8) - GD		V	1			1	
F53-13 Bug-O-Nay-Ge-Shig School (K-12) - GD	3 systems	V		1			1
F53-14 Circle of Life School (K-12) - GD		V			1		
F80-02 Circle of Nations School (5-8) - GO		V			1		
F53-15 Fond du Lac Ojibwe School (K-12) - GD		V			1		
F55-14 Lac Coute Oreilles School (K-12) - GD		V			1		
F58-04 Menominee Tribal School (K-8) - GD		V			1		
F53-18 Nay-Ah-Shing School (K-12) - GD		V		1			1
F55-15 Oneida Nation Elem School (K-12) - GD		V			1		
G00-01 EASTERN OKLAHOMA							
District II Muskogee Law Enforcement				1			1
G03-01 Chickasaw Agency			1			1	
G06-01 Osage Agency			1			1	
G04-01 Miami Agency			1			1	
Miami Law Enforcement				1			1
G10-01 Wewoka Agency			1			1	
G07-01 Okmulgee Agency			1			1	
Oklahoma ELO							
G07-02 Eufaula Dorm (1-12) - GP		VI		1			1
G08-02 Sequoyah High School (K-12) - GD		VI			1		
G09-02 Jones Academy (1-12)-GP		VI		1			1
H50-01 WESTERN							
H51-01 Colorado River Agency					1		
H51-06 Poston Irrigation (Colorado River)					1		
H51-05 Headgate Dam				1			1
H 52-01 Fort Apache Agency			1			1	
Arizona South ELO (Phoenix)							
H52-12 John F. Kennedy School (K-8)-D	yes	IX			1		
H54-21 Santa Rosa Boarding School (K-8)-B		IX	1			1	
H54-11 Santa Rosa Ranch School (K-8)-D		IX	1			1	
H54-22 San Simon School (K-8)-D	yes	IX	1			1	

ENVIRONMENTAL MULTI-MEDIA AUDIT (EMAP) SCHEDULE FY2011 - 2015							
Grey shade = EMAP Completed							
Red Locations - Locations listed in the EPA CAFO							
Red numbers - Baseline audit							
REGION	Water System	EPA Region	2011	2012	2013	2014	2015
H54-25 Tohono O'odham H.S. (9-12)-D		IX	1			1	
H57-13 Casa Blanca Comm School (K-4)-GD		IX			1		
H55-12 Salt River Elem School (K-6)-GD		IX	1			1	
H52-21 Theodore Roosevelt School (6-8)-GB	yes	IX			1		
H52-11 Cibecue Comm School (K-12)-GD	yes	IX		1			1
H57-14 Gila Crossing Day School (K-8)-GD		IX			1		
H57-12 Blackwater Comm School (K-2)-GD		IX			1		
H54-01 Papago Agency			1			1	
H54-02 Tohona O'odham Law Enforcement / Detention			1			1	
H55-11 Salt River Agency			1			1	
H57-11 Pima Agency			1			1	
H58-11 San Carlos Agency			1			1	
H59-01 San Carlos Irrigation					1		
H58-13 San Carlos Law Enforcement / Detention				1			1
H61-01 Western Nevada Agency					1		
H62-01 Uintah & Ouray Agency					1		
H62-02 Uintah & Ouray Detention				1			1
H63-01 Fort Yuma Agency			1			1	
H64-01 Eastern Nevada Agency			1			1	
H64-13 Duck Valley Detention				1			1
H65-01 Hopi Agency (Keams Canyon)	yes				1		
H65-03 Hopi Law Enforcement / Detention				1			1
Arizona North ELO (Hopi)							
H65-24 First Mesa Elem School (K-6)-D		IX	1			1	
H68-07 Havasupai Elem School (K-8)-D		IX	1			1	
H65-21 Keams Canon School (K-6)-D		IX	1			1	
H65-15 Moencopi Day School (K-6) - GD		IX			1		
H65-12 Second Mesa Day School (K-6) - GD	yes	IX			1		
H65-13 Hopi Day School (K-6) - GD		IX			1		
H65-22 Hopi Jr/Sr. H.S. (7-12) - GD	yes	IX			1		
H65-14 Hotevilla Bacavi Comm School (K-6) - GD	yes	IX			1		
H68-01 Truxton Canon Agency			1			1	
H68-02 Peach Springs Law Enforcement			1			1	
H68-11 Supai Jail / Detention			1			1	
H68-13 Truxton Canon Law Enforcement / Detention			1			1	
J50-01 PACIFIC							
J51-54 Central California Agency			1			1	
J52-10 Northern California Agency			1			1	
J50-03 Palm Springs Field Office				1			1
Sacramento ELO							
H60-02 Sherman Indian High School (9-12)-B		IX	1			1	
H64-08 Duckwater Shoshone Elem (K-8)-GD		IX	1			1	
H61-07 Pyramid Lake High School (7-12)-GD		IX	1			1	
M00-01 SOUTHWEST							
M20-01 Southern Pueblo Agency					1		
M21-01 Laguna Agency					1		
New Mexico North ELO							
M25-13 San Ildefonso Day School (K-6)-D		VI			1		

ENVIRONMENTAL MULTI-MEDIA AUDIT (EMAP) SCHEDULE FY2011 - 2015							
Grey shade = EMAP Completed							
Red Locations - Locations listed in the EPA CAFO							
Red numbers - Baseline audit							
REGION	Water System	EPA Region	2011	2012	2013	2014	2015
M25-16 Santa Clara Day School (K-8)-D		VI			1		
M25-19 Taos Day School (K-8)-D		VI			1		
25-20 Te Tsu Gehg Oweenge (Tesuque) School (K-8)-D		VI			1		
M50-02 Jicarilla Dorm (1-12)-GP		VI	1			1	
M25-14 Ohkay Owingeh Comm School (K-8)-GD		VI	1			1	
New Mexico South ELO							
M 20-04 Isleta Elem School (K-6)-D		VI	1			1	
M20-05 Jemez Day School (K-8)-D		VI	1			1	
M20-12 San Felipe Pueblo Elem School (K-7)-D		VI			1		
M20-02 Sky City Comm School (K-8)-D		VI	1			1	
M20-22 T'siya (Zia) Elem and Middle School (K-7)-D		VI			1		
M21-02 Laguna Elem School (K-5)-GD		VI	1			1	
M21-03 Laguna Middle School (6-8)-GD		VI	1			1	
Southwest Indian Polytechnic Institute		VI	1			1	
M25-01 Northern Pueblo Agency					1		
M40-01 Southern Ute Agency					1		
M45-01 Ute Mountain Ute Agency					1		
M45-02 Chief Ignacio Law Enforcement / Detention				1			1
M 50-01 Jicarilla Agency					1		
M60-01 Mescalero Agency			1			1	
M70-01 Zuni Agency					1		
M75-01 Ramah-Navajo Agency					1		
N00-01 NAVAJO							
N32-01 Shiprock Agency				1			1
New Mexico Navajo North ELO (Shiprock)				1			1
N32-02 Aneth Comm Sch (K-8)-B		IX	1			1	
N32-04 Beclabito Day School (K-4)-D		IX	1			1	
N32-05 Cove Day School (K-6)-D		IX	1			1	
N32-06 Nenahnezad Comm School (K-6)-B		IX	1			1	
N32-07 Red Rock Day School (K-8)-D		IX			1		
N32-09 Sanostee Day School (K-3)-D		IX	1			1	
N32-10 Tiis Nazbas (Teechospos) Comm School (K-8)-B		IX			1		
N32-17 Atsa'Biya'a'zh Comm School (K-6)-GD		IX			1		
N32-03 Aztec Dorm (9-12)-GP		IX			1		
Navajo Preparatory School		IX		1			1
Shiprock Reservation Dormitory		IX		1			1
Shiprock Northwest HS		IX		1			1
N33-01 Western Navajo Agency				1			1
Western Navajo Law Enforcement / Detention				1			1
New Mexico Navajo South ELO (Gallup)				1			1
N34-27 Alamo Day School - GD		IX	1			1	
H34-02 Baca Dio'ay Azhi (K-6)-D	yes	IX		1			1
N34-04 Bread Springs Day School (K-3)-D	yes	IX	1			1	
N34-05 Chi Chil'Tah (Jones Ranch Sch)(K-8)-B	yes	IX	1			1	
N36-03 Ch'ooshjai Comm School (K-8)-GB		IX			1		
Pine Hills School (K-12)-GB	yes	IX			1		
N32-11 Tohaali'Comm School (Toadlena)(K-8)-B		IX		1			1
N34-25 To'Haihiilee-He (Canoncito) Sch(K-12) - GD		IX			1		

ENVIRONMENTAL MULTI-MEDIA AUDIT (EMAP) SCHEDULE FY2011 - 2015							
Grey shade = EMAP Completed							
Red Locations - Locations listed in the EPA CAFO							
Red numbers - Baseline audit							
REGION	Water System	EPA Region	2011	2012	2013	2014	2015
N34-20 Wingate Elem School (K-8)-D	yes	IX		1			1
N34-21 Wingate High School (9-12)-B	yes	IX		1			1
Arizona Navajo North ELO (Tuba City)				1			1
N N33-04 Dennehotso Boarding School (K-8)-B		IX	1			1	
N33-07 Kaibeto Boarding School (K-8)-B		IX	1			1	
N33-08 Kayenta Comm School (K-8)-B		IX		1			1
N33-15 Rocky Ridge Boarding School (K-8)-B		IX	1			1	
N33-13 Tonalea School (Red Lake) School (K-8)-D		IX		1			1
N33-19 Tuba City Boarding School (K-8)-B		IX		1			1
N33-16 Shonto Preparatory School (K-8) - GB		IX			1		
N33-02 Chilcihinbeto Comm School (K-8) - GD		IX			1		
N33-05 KinLani Bordertown Dorm (9-12) - GP		IX			1		
N33-09 Leupp School, Inc. (K-12) - GB		IX			1		
N33-22 Greyhills Academy (High School)		IX		1			1
N33-24 Little Singer Comm School (K-6) - GD		IX			1		
N33-11 Naa Tsis'Ana Comm School (K-8) - GB		IX			1		
N33-14 Richfield Residential Hall (9-12) - GP		IX			1		
N34-01 Eastern Navajo Agency (Crownpoint)				1			1
N34-42 Eastern Navajo Law Enforcement				1			1
New Mexico Navajo Central ELO (Crownpoint)				1			1
N34-03 Dibe Yazhi habiitiin Oita Sch (Borrego Pass)	Yes	IX	1			1	
N34-10 Lake Valley Navajo School (K-8)-B	yes	IX	1			1	
M34-12 Mariano Lake Comm School	yes	IX	1			1	
N34-18 Na'Neelzhin Ji'Oita (Toreon Day)(K-8)-D	yes	IX	1			1	
N34-13 Ojo Encino Day School (K-8)-D	yes	IX	1			1	
N34-15 Pueblo Pintado Comm School (K-8)-B	yes	IX	1			1	
N34-23 T'lists'ooz'Bi'Oita (Crownpoint) School (K-8)-B	yes	IX	1			1	
N34-16 Tse'i'ahi Comm (Standing Rock) Sch (K-4)-D	yes	IX	1			1	
N34-24 Dziith-na-o-dith-hle Comm School - GB	yes	IX			1		
N34-06 Hanaa'dli Comm School (Huerfano) (K) - GP	yes	IX			1		
N35-01Chinle Agency			1			1	
N35-32Chinli Law Enforcement / Detention				1			1
Arizona Navajo Central ELO (Chinle)				1			1
N35-20 Chinle Boarding School (K-8)-B		IX		1			1
N35-04 Cottonwood Day School (K-8)-D		IX	1			1	
N35-21 Many Farms High School (9-12)-B		IX		1			1
N35-23 Black Mesa Comm School (K-8)-GD		IX			1		
N35-06 Jeehdeez'a Academy School (K-5)-GD		IX	1			1	
N35-07 Lukachukai Comm School (K-8) - GB		IX			1		
N35-09 Nazlini Comm School (K-8) - GB		IX			1		
N35-10 Pinon Comm School (K-12) - CP		IX			1		
N35-11 Rock Point Comm School (K-12) - CD		IX			1		
N35-12 Rough Rock Comm School (K-12) - GB	yes	IX			1		
N36-01 Fort Defiance Agency					1		
Navajo Indian Irrigation Project				1			1
Arizona Navajo South (Fort Defiance) ELO				1			1
N36-05 Crystal Boarding School (K-6)-B		IX			1		
N36-11 Hunters Point Boarding School (K-5)-B		IX			1		

ENVIRONMENTAL MULTI-MEDIA AUDIT (EMAP) SCHEDULE FY2011 - 2015							
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Red Locations - Locations listed in the EPA CAFO							
Red numbers - Baseline audit							
REGION	Water System	EPA Region	2011	2012	2013	2014	2015
N36-18 Pine Springs Day School (k-4)-D		IX			1		
N36-19 Seba Dalkai Boarding School (K-9)-B		IX			1		
N36-05 Dilcon Comm School (K-8)-GB		IX			1		
N38-08 Greasewood Springs Comm School (K-8)-GB		IX			1		
N36-09 Tisyaatin (Holbrook) Residential Hall (9-12)-GB		IX			1		
N36-14 Kin Dah Lichi'Otta' (K-6)-GB		IX			1		
N36-24 Wide Ruins Comm School (K-6)-GB		IX			1		
N36-25 Winslow Residential Hall (7-12)-GP		IX			1		
P00-01 NORTHWEST							
P01-01 Siletz Agency			1			1	
P03-01 Colville Agency					1		
P04-01 Fort Hall Agency					1		
P05-01 Northern Idaho Agency					1		
P06-01 Olympic Peninsula Agency			1			1	
P17-03 Quinalt Detention Center				1			1
P 07-01 Umatilla Agency					1		
P09-01 Warm Springs Agency					1		
P09-02 Warm Springs Detention Center			1			1	
P10-01 Puget Sound Agency			1			1	
P11-01 Yakama Agency			1			1	
P12-01 Spokane Agency					1		
P12-02 Spokane Law/Detention Center					1		
P17-01 Taholah Agency			1			1	
P13-02 Flathead Agency					1		
Flathead Irrigation Project					1		
Wapato Irrigation Project					1		
P15-01 Metlakatla Field Station			1			1	
PCoeur d'Alene Tribe BIA Field Office					1		
Seattle (Portland) ELO							
P02-02 Chemawa Indian School (9-12)-O	yes	X			1		
P05-02 Coeur d'Alene Tribal School (K-8) - GD		X			1		
P10-12 Muckleshoot Tribal School (K-12)-GD		X			1		
P10-02 Quileute Tribal School (K-9)-GD		X	1			1	
P11-20 Yakama Tribal School (9-12)-GD		X	1			1	
S50-01 EASTERN							
S52-01 Cherokee Agency					1		
S53-01 Seminole Agency					1		
S78-01 Choctaw Agency				1			1
Southern and Eastern States ELO							
S53-02 Ahafachkee Indian School (K-12)-GD		IV	1			1	
S56-02 Beatrice Rafferty School (K-8)-GD		I			1		
S50-09 Chitmachia Day School (K-8)-GD		VI	1			1	
S78-23 Choctaw Central High School (9-12)-GB		IV	1			1	
Choctaw Central Middle School (7-8)-GD		IV	1			1	
S50-06 Indian Island School (K-8)-GD		I			1		
S50-04 Indian Township School (K-8)-CD		I			1		
S78-25 Pearl River Elem School (K-6) - GD		IV		1			1
			114	79	113	114	79

APPENDIX B: Activity List

Abatements

Abrasive blasting road preparation

Adhesive bonding

Airport/aircraft operations and maintenance

Arsenal storage

Asbestos management

Asphalt/concrete testing

Biological/medical waste storage, handling and disposal

Boiler management

Bridge construction

Building maintenance

Building/housing construction, renovation and demolition

Carpentry operations

Cement mixing operations

Composting/greenhouses

Construction planning and design

Contaminated soil handling, storage and disposal

Cooling tower operations, maintenance and management

Custodial activities

Dam management and maintenance

Debris management

Decontamination activities

De-icing activities

Dust suppression

Electrical equipment operation, maintenance and disposal

Electroplating and metal fabrication

Emergency planning, response and reporting

Equipment calibration

Erosion control installation and maintenance

Evidence collection, storage and disposal

Excavated soils and vegetation management

Fencing

Fiberglass repair and fabrication

Fire suppression/retardant application, storage and disposal

Forestry operations and management

Fuel/oil storage, handling and use

Fume hood operation and maintenance

Grounds maintenance

Hazardous Materials Management

Hazardous Waste Management

HVAC systems maintenance and disposal

Dumping and staging areas

Radiation use (imaging, x-ray, NMR, etc.)

Incinerator operations

Irrigation operations and maintenance
Kitchen/food preparation operations
Laboratory operations
Landfill management
Laundry/dry cleaning operations
Lease inspection and compliance
Leasing
Livestock management
Office/administrative activities
Oil water separator operation and maintenance
Oil/natural gas production, operation, maintenance and disposal
Paint booth operation and management
Photo lab operations
Power generation and distribution
Prescribed/open burning management
Raw materials storage and management
Recycling
Road construction and maintenance
Solid Waste Management
Surplus property/asset management, storage and disposal
Surveys
Swimming pool operations and maintenance
Vehicle/equipment maintenance
Vehicle/equipment washing
Water distribution line/hydrant/tower maintenance
Welding/soldering/brazing
Warehousing/mail room operations
Environmental Disposal Liability (EDL) sites, including on-going remediation
Athletic field maintenance

APPENDIX C

INDIAN AFFAIRS ENVIRONMENTAL MANAGEMENT ASSESSMENT PROGRAM (EMAP) REPORT

Section A. Facility Data		Region/EL/O/OJS:		Date of Assessment:	
Facility Name, Official Contact, Address and Phone Number:				Name and Position of On-Site Representatives:	
Facility Manager Contact and Phone Number:				EMS Coordinator:	
Section B. Facility Review				Date of Last EPA Inspection:	
Is the Facility permitted by EPA? _____ If "Yes," List permits:					
Section C. Purpose and Assessment Time Frame					
The purpose of the environmental assessment is to verify environmental compliance status. The assessment time frame and record review is from the present to the past five years.					
Section D. Priority (P) Ranking of Assessment Findings and Timeframe for Corrective Action Completion					
P 5 (ER): Emergency Action - Immediate response to protect Health, Safety or Environment; action within 24-hours (<i>DECRI approval required</i>) (<i>Complete Emergency Response Form</i>)					
P 1: Health or Safety Concern; Corrective Action initiated within 0 - 90 days					
P 2: Regulatory Liability (Criminal & Civil Penalties); Corrective Action initiated within 0 - 90 days					
P 3: E.O. Statutory, Administrative or Mission related; Corrective Action initiated within 0 - 120 days					
P 4: Good Engineering/Best Management Practice; Corrective Action initiated within 0 - 180 days					
Section E. Root Causes (RC) of Findings (Select one root cause for each audit finding)					
1. No Staff Assigned		4. Not following procedures (SOPs)		7. No Emergency Response Procedures	
2. Lack of Training		5. No communication		8. Not following Emergency Response Procedures	
3. No procedures (SOPs)		6. No monitoring			
Section F. Comments (Include a description of the information reviewed, the on-site activities conducted, a description of any problems or difficulties in conducting the assessment or Follow-Up visit, and measures taken to address the problems)					

Initial EMAP Audit Comments:

Section G. Findings

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	Air Pollution	6. Failure to determine that the facility <u>is</u> within a non-attainment area for criteria pollutants. 40 CFR 81, Sub C RCA: Determine if the BIA facility is in a non-attainment area for any of the criteria pollutants by going to the EPA web-site and viewing the air non-attainment areas for that region.		
P2	Air Pollution	9. Failure to verify/document that the facility went through the prevention of significant deterioration (PSD) program prior to modification to/for construction of an air emission source. CAA Sec 111 RCA: Prior to modification or new construction of an air emission source, obtain the EPA/State NSR or PSD review and pre-construction permit. Determine if the new or modified source triggered NSPS requirements and if the facility received EPA/State review / approval to implement the required technology.		
P2	Air Pollution	12. Failure to comply with the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for listed Hazardous Air Pollutants and sources (i.e.: Industrial cooling towers). 40 CFR 61 & 63 RCA: Verify that the facility is in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPs) by: Reviewing the list of Hazardous Air Pollutants (HAPs) and HAP sources regulated under 40 CFR 61 and 40 CFR 63. Reviewing the emissions inventory (see Question 1) to determine if any of the listed HAPs or sources of HAPs (e.g. Industrial Cooling Towers) are present at the facility. Determining that appropriate control measures are in place for any regulated HAP emission sources. Document this review in the record location referenced in the EMS.		
P2	Air Pollution	15. Failure to obtain an air permit for steam boilers with a maximum design heat input capacity greater than or equal to 2.9 MW (including new unit construction and/or modifications). 40 CFR 60.40 Sub D RCA: Notify EPA for any new construction or modifications to an air emission source (ex.: steam boilers). If any unit has a maximum RCA: design heat input capacity greater than or equal to 2.9 MW - apply for an air permit. Determine if the BIA facility has steam-generating units that have a maximum design heat input capacity greater than or equal to 2.9 MW and less than 29 MW. Verify monitoring and fuel testing is completed according to regulations. Verify records are maintained and reporting requirements are met. Clean Air Act, Sec 111; including 40 CFR60.46(c), 40 CFR 60.47(c), and 40 CFR 60.48(c)		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
	Air Pollution	16. Failure to identify a non-hazardous waste incinerator with the capacity of the combustion unit on the emissions inventory. 40 CFR 60.7 RCA: Conduct an emissions inventory of the facility. Include the non-hazardous waste incinerator and capacity information of the combustion unit. Complete an initial emissions statement identifying all sources at the facility that emit either NOx or VOCs. Annually update the inventory and submit any changes to the state.		
	Air Pollution	19. Failure to develop a risk management plan for use and/or storage of listed regulated chemicals (40 CFR 68.130) over the threshold quantity. 40 CFR 68.130 RCA: Develop a risk management plan for storage of regulated chemicals over the threshold quantity by determining if the facility uses or stores more than a threshold quantity of any regulated substance listed under 40 CFR 68.130 and, if so, develop a risk management plan and submit a copy to state and local emergency response planning authorities. Implement a process to update and make required changes to the Risk Management Plan as needed. (40 CFR 68).		
	Air Pollution	20. Failure to identify hazards that may result from accidental releases of extremely hazardous substances used and/or stored at the facility, including maintaining a safe facility through facility design that minimizes consequence of releases. CAA Sec 112(r)(1) RCA: Identify hazards and potential accidental releases that may result from chemical use and storage, hazardous waste accumulation areas, storage areas, and transfer areas. Identify all extremely hazardous substances used and identify hazards that may result from accidental releases. Design and maintain a safe facility to minimize the impact of releases when they occur.		
	Air Pollution	21. Failure to complete an initial emissions statement identifying all sources that emit either nitrogen oxides (NOx) or Volatile Organic Compounds (VOCs) when in a non-attainment area for ozone. CAA Sec 182(a)(1) & (3) RCA: Complete an initial air emissions statement identifying all air emission sources at the facility that emit either NOx or VOCs. Annually update the inventory and, as appropriate, submit any changes to the state/EPA/Tribe.		
P2	Air Pollution	22. Failure to keep records documenting service of units containing 50 lbs of refrigerant or more. 40 CFR 82.166(f) RCA: Maintain records for servicing, maintenance and repairs of refrigerant containing units, documenting the date of service, amount of refrigerant added, and type of service (repair, recharge).		
P2	Air Pollution	23. Failure to verify that an EPA-certified contractor/technician serviced the refrigerant units. 40 CFR 82.167 RCA: Request a copy of the EPA certification from contractor/technician servicing the units. Maintain a copy in the file along with the records for servicing.		
P2	Air Pollution	24. Failure to properly remove refrigerant from units containing at least 50 lbs of refrigerant prior to disposal by an EPA-certified contractor/technician. 40 CFR 82.154(e-f) RCA: Have a EPA-certified technician / contractor properly remove ozone depleting substances from the refrigerant unit prior to disposal. Maintain a copy of the EPA-certification in the file along with the records for servicing.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
	Air Pollution	25. Failure to have a Risk Management Plan and a Response and Prevention program for having listed regulated chemicals over threshold quantities (certain toxics, flammables and explosives in quantities over set regulated thresholds). <u>40 CFR 68</u> RCA: Develop a Risk Management Program which includes: 1) Hazard assessment that details the potential effects of an accidental release, an accident history of the last five years, and an evaluation of worst-case and alternative accidental release scenarios; 2) Prevention program that includes a safety precautions and maintenance, monitoring, and employee training measures; and 3) Emergency response program that spills out emergency health care, employee training measures and procedures for informing the public and response agencies (e.g.: the fire department) should an accident occur. Submit plan to EPA. REVISE every five-years and resubmit to EPA. New facilities must submit a complete RMP as soon as they have a covered chemical above the threshold quantity - known as 112r regulated substances. (Clean Air Act 112r).		
P2	Emergency Planning & Reporting	22. Failure to notify the state Emergency Response Commission (SERC) that the facility stores chemicals over the threshold quantity under <u>40 CFR 355</u> and is subject to emergency planning requirements of EPCRA. <u>40 CFR 355.30</u> RCA: Prepare a chemical inventory (including name of chemical, amount, expiration date - if applicable), and determine which chemicals exceed the threshold quantity for chemical storage. Officially notify the State Emergency Response Commission that the facility is subject to emergency planning reporting requirements of the Emergency Planning and Community Right-to-Know Act.		
P2	Emergency Planning & Reporting	23. Failure to participate in the local emergency planning process. <u>40 CFR 355.30(c)</u> RCA: Contact the community emergency planning committee and select a facility representative to participate in the local emergency planning process as the facility emergency response coordinator.		
P2	Emergency Planning & Reporting	24. Failure to notify local officials when the threshold quantity is exceeded for stored chemicals listed under <u>40 CFR 355</u> , and/or of changes made in the facility's emergency planning. <u>40 CFR 355.30(d)</u> RCA: Notify appropriate officials when the threshold quantity for stored chemicals listed under <u>40 CFR 355</u> is exceeded, including changes made in emergency planning as a result. Keep a copy of the notification and file in the record location referenced in the EMS.		
P2	Emergency Planning & Reporting	25. Failure to develop & implement a emergency response plan that provides for immediate notification to state/local emergency planning communities. <u>40 CFR 355.40(b)</u> RCA: Develop a plan that provides emergency contact information for emergency situations / events. Contacts should include the local fire department, community emergency planning committee, National Response Center, Tribal and/or state EPA, and local police department. Maintain a copy of the emergency response plan in the records location identified in the EMS.		
P2	Emergency Planning & Reporting	26. Failure to provide a written follow-up notice of a spill with information regarding actions taken to contain the spill, etc. <u>40 CFR 355.40(b)(3)</u> RCA: Prepare a written notification of the spill and response actions taken. Provide the notification to the appropriate parties (EPA, State, Tribe, etc.) Maintain a copy of the report and file. Reference location of files in the EMS.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	Emergency Planning & Reporting	27. Failure to submit the annual Tier I / II report by March 1 to the state Emergency Response Commission, local emergency response committee (or civil defense), and fire department officials. *Includes fuels such as gasoline, diesel, propane and heating oil (10,000lbs=1,400 gallons of diesel). 40 CFR 370.20(d) &.29(a) RCA: Submit Tier I or II reports to the state emergency response commission, local emergency response committee, and fire department officials and continues to do so annually. Prepare a chemical inventory of all hazardous chemicals and extremely hazardous chemicals. Identify hazardous chemicals over 10,000 lbs; and extremely hazardous chemicals over 500 lbs that are at the facility at any time during the year. Complete a Tier I / II for each chemical and attach the Material Safety Data Sheets. Annually submit the Tier I / II report to the State Emergency Response Commission, Local Emergency Planning Committee, and the local fire department by March 1st. Maintain a copy, reference the chemical inventory in the EMS, including the location of the inventory in the EMS.		
P2	Emergency Planning & Reporting	28. Failure to submit a Tier II report to the appropriate officials as requested by the state. 40 CFR 370.20(d) RCA: Submit the Tier II report to the state emergency response commission, local emergency response committee, and fire department officials and continues to do so annually by March 1 or each year. Keep copies of Tier II reports in a file. Reference the requirement to submit Tier II reports in the EMS and include the file location.		
P2	Emergency Planning & Reporting	29. Failure to submit Material Safety Data Sheets (MSDSs) for hazardous materials exceeding the applicable threshold for the Tier I/II Report (including diesel, propane and gasoline) to the appropriate state and local authorities. 40 CFR 370.21(a) RCA: Submit MSDSs (or a list of chemicals and hazard information) of applicable materials (see above) to the state emergency response commission, local emergency response committee, and fire department officials. Prepare a chemical inventory (including fuels) and determine which materials exceed the applicable threshold for Tier I / II reporting. Submit the Tier I / II report to the State Emergency Response Commission, Local Emergency Planning Committee, and the local fire department Annually by March 1st of each year.		
P2	Emergency Planning & Reporting	30. Failure to annually submit the Form R to EPA for hazardous waste disposal (including releases and recycling of universal waste, lead bullets, contaminated soil) by July 1 when the threshold chemical use quantity or 10,000 lbs was met. 40 CFR 372.27 RCA: Determine if the total annual reportable amount of hazardous waste treated, released, "recycled", burned for energy recovery, and/or transferred off site for recycling -including contaminated soil, exceeded 10,000 lbs. If over 10,000 lbs, complete Form R and submit to the state, tribal or EPA Environmental Department. Maintain a copy of all reports. Develop a Standard Operating Procedure for hazardous waste reporting. Assign staff roles and responsibilities. Provide training. Reference in the EMS.		
P2	Emergency Planning & Reporting	31. Failure to maintain copies of reports submitted to EPA, state and/or the Tribe, specifically Tier I, Tier II, Form R reports. 40 CFR 372.10(a)(1-3) RCA: Maintain copies of all reports submitted to regulatory agencies at the location specified in the EMS. Reference these required reports in the EMS		
P2	Emergency Planning & Reporting	32. Failure to maintain documents to verify facility's compliance status. 40 CFR 372.10(a)(2) RCA: Maintains a copy of documents used to verify the facility's compliance status at the records location identified in the EMS.		
P2	Emergency Planning & Reporting	33. Failure to maintain documentation for reportable chemicals. 40 CFR 372.10(a)(3) RCA: The facility maintains all documentation used to determine reportable chemicals. Maintain records at the location specified in the EMS.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	Emergency Planning & Reporting	34. Failure to have a policy/procedures in place for emergency planning and response to spills (i.e.: releases of oil, petroleum products, pesticides, chemicals, solvents). 40 CFR 355.36(f) RCA: Prepare an emergency plan that includes lines of authority, evacuation, procedures to notify local / state/ Tribal / Federal agencies including those to conduct cleanup activities, personnel roles, training, communication, emergency recognition, site security, decontamination, emergency medical treatment, personal protective equipment and emergency equipment, and a critique of response and follow-up. Include the Plan in the EMS.		
	Energy & Water Conservation	1. Failure to establish an energy baseline of the facility. EO 13423 Sec 2(a) RCA: Conduct an energy audit of the facility identifying all energy use sources, including types (electric, natural gas, fossil fuel, wind, solar) and amount used per year. Determine energy efficiency. Document record of the audit and maintain at the record location referenced in the EMS.		
	Energy & Water Conservation	2. Failure to implement energy efficient requirements in contracts for building design regarding new construction /rehabilitation projects. EO 13423 Sec 2(f)(i) RCA: Develop contract language that incorporates energy efficiency, renewable energy sources and sustainability concepts in building construction and rehabilitation designs. Contract OFMC for technical assistance.		
	Energy & Water Conservation	3. Failure to have procedures /review processes in place that verifies energy conservation was included in design plans. EO 13423 Sec 3(a)(ii-iii) RCA: Develop contract language for energy conservation in facility and equipment designs, work plans and operating plans. Coordinate with Contract and procurement staff.		
	Energy & Water Conservation	4. Failure to develop and implement an energy efficiency and conservation program plan or strategy. EO 13423 Sec 2(b-c) RCA: Develop and implemented an energy efficiency and conservation program plan or strategy. For technical assistance contact OFMC.		
P3	Energy & Water Conservation	6. Failure to implement energy efficiency requirements in contracts for contractors regarding new construction. EO 13423 Sec 3(e) RCA: Ensure that building construction and rehabilitation designs incorporate energy efficiency, renewable energy sources and sustainability concepts. Contact OFMC for technical assistance.		
P3	Energy & Water Conservation	11. Failure to purchase equipment that meets energy efficiency requirements. EO 13423 Sec 2(h)(i) RCA: Develop SOPs for purchasing energy efficient equipment and train purchasing staff on SOPs. Include SOPs in the EMS and maintain staff training records. Require contracting/purchasing personnel to purchase equipment that meets energy efficiency requirements specified in EO 13423 and the FAR. Contact Procurement and property for technical assistance.		
P3	EMS	1. Failure to have an EMS for operations and activities that impact the environment. 515 DM 4.9A and EO 13423 Sec 3(b) RCA: Develop an EMS that includes measurable environmental goals, objectives, and targets. Identify operations/activities with the potential to impact the environment; Prepare and Environmental Policy Statement; conduct routine internal audits/reviews to ensure compliance is being adhered to; train staff on the EMS, review and update annually.		
P3	EMS	3. Failure to conduct general awareness training on EMS (staff is unaware of EMS and Policy Statement). 515 DM 4.10 and EO 13423 Sec 3(c)(i) RCA: Conduct an assessment of training needs by position. Develop a plan to assure that staff is trained and reference staff training in the facility's EMS. Develop the facility's environmental (policy) statement and post in an area viewed by all Staff. Provide EMS training to all staff. Identify funding and staffing requirements for staff training and environmental compliance for all facility activities and operations.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P3	EMS	4. Failure of senior level management to adequately fund, provide training and/or meet staffing requirements for facility activities/operations. <i>515 DM 4.6 C</i> RCA: Meet regularly with staff to promote a culture of environmental stewardship. Provide training as needed. Maintains records of all meetings and record in the EMS.		
P3	EMS	5. Failure to develop and implement plans for hazard contingencies planning and emergency response situations. <i>515 DM 4.5, ISO 14001 4.4.7</i> RCA: Develop and implement a hazard contingencies plan that covers emergency response situations. At least annually, practice the plan to ensure all areas are covered. For planning purposes, critique the annual practice and update the plan accordingly. Maintain plan and practice records at the location specified in the EMS.		
P3	EMS	6. Failure to establish procedures to comply with environmental regulations. <i>EO 13423 Sec 1, 515 DM 4.7</i> RCA: Establish procedures to: :Review current federal, tribal, state, and local laws and regulations; Review EOs and department policies regarding environmental issues; Receive updates on new requirements; Determine applicability of requirements to specific operations and assure that facility staff is aware of requirements. Reference in the Facility's EMS.		
P3	EMS	7. Failure to develop/maintain a program to address pollution prevention & resource conservation issues. <i>EO 13423 Sec 3(a)(v)</i> RCA: Develop and implement a plan that addresses pollution prevention for facility activities an operations; or include these measures in the standard operation procedures. Maintain a copy of the plan at the location referenced in the EMS.		
P3	EMS	8. Failure to establish objectives and targets. <i>EO 13423 Sec 3(b)(iii)</i> RCA: Identify legal requirements, including permits, required for facility activities and/or operations and reference in the EMS. Establish compliance targets and set goals that go beyond compliance.		
P3	EMS	9. Failure to provide training to staff to effectively carry out environmental responsibilities of their positions. <i>515 DM 4.10</i> RCA: Identify training requirements for staff relative to their activities and operations performed, including training related to regulatory requirements. Ensure that personnel are fully trained to carry out the environmental responsibilities of their positions. Conduct an assessment of training needs by job and has developed a plan to assure staff is trained. Provide general environmental awareness and job specific training to staff whose job responsibilities may impact the environment. Communicate environmentally-related information regularly to staff.		
P3	EMS	10. Failure to establish standard operating procedures for achieving its environmental performance goals and meeting compliance. <i>DM 515 4.5 and EO 13423</i> RCA: Develop Standard Operational Procedures for operations and activities to meet performance goals and compliance to regulatory requirements.		
P3	EMS	11. Failure to develop/maintain a central information management system for documents that allows ready access and use of essential environmental documents. <i>EO 13423 Sec 3(c) ISO-14001</i> RCA: Develop an EMS in accordance with the ISO 14001 Standard. Contact the Regional Environmental Scientist for assistance.		
P3	EMS	13. Failure to recognize and reward exceptional environmental performance for staff. <i>EO 13423 Sec 3(c)(iii)</i> RCA: Identify environmental performance goals for staff. Recognize and reward exceptional environmental performance.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P3	EMS	15. Failure to conduct an in-house compliance review of facility activities/operations. 515 DM 4.7 and EO 13423 Sec 3(c)(1) RCA: At least annually, conduct an internal control review of all operations and activities to ensure objectives and targets are being achieved, and compliance with legal requirements are being adhered to. Document the annual internal inspection/review.		
P3	EMS	16. Failure to continually improve/update the EMS. 515 DM 4.8F and EO 13423 Sec 1 RCA: For all operations and activities, identify standard operating procedures, preventive actions, corrective actions, and conduct periodic environmental reviews. Update the plan as objectives and targets are achieved, new objectives and targets are identified, roles and responsibilities change, and as permit status and/or legal requirements change.		
P3	Green House Gas Emissions	1. Failure to conduct a green house gas emissions inventory. EO 13574 RCA: Conduct an inventory of all green-house gas emissions at the facility. Update inventory as appropriate and maintain inventory record in the location specified in the EMS.		
P2	Green Procurement	2. Failure to develop and implement a green purchasing plan. 40 CFR 247.6(a) RCA: Develop and implement a green procurement (purchasing) plan that requires purchasing of green products unless sufficient documentation is provided on why specific green products cannot be purchased.		
P2	Green Procurement	4. Failure to develop procedures for obtaining and verifying purchases of recycled products. 40 CFR 247 RCA: Review 40 CFR 247. Comprehensive procurement guidelines for products containing recovered materials and develop a green procurement plan that provides procedures for purchases of recycled products. Keep records of purchases to verify green procurement.		
P2	Green Procurement	5. Failure to conduct an annual review to monitor effectiveness of green procurement. 40 CFR 247.6(d) RCA: Conduct an annual review and monitoring of green procurement program effectiveness. Report monitoring in the annual Sustainable Practices report.		
P2	Green Procurement	6. Failure to provide training to procurement staff on green purchasing. 40 CFR 247.10 RCA: Provide green procurement training to all facility staff who make purchasing decisions. Document training and maintain training records in the location specified in the EMS. Report training of purchasing personnel in the annual Sustainable Practices report.		
P2	Green Procurement	7. Failure to purchase EPA designated paper and paper products (30% recycled content or highest percentage of recovered materials practicable). 40 CFR 247.8© RCA: Purchase EPA designated paper and paper products in accordance with the facility's green procurement plan. Train employees on this requirement. Report purchases in the annual Sustainable Practices report.		
P2	Green Procurement	8. Failure to purchase EPA designated products (bio-based fuels, park/recreation products, construction, landscaping, non-paper products, cleaning supplies, benign adhesives, and miscellaneous products). 40 CFR 247.11-17 RCA: Purchase EPA designated transportation, construction, landscaping, park and recreation, non-paper, cleaning supplies, benign adhesives and miscellaneous products in accordance with the facility's green procurement plan. Train employees on this requirement. Report purchases in the annual Sustainable Practices report.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	Green Procurement	16. Failure to ensure that the highest percentage of recyclable materials is purchased. 40 CFR 247.5(b) RCA: Train employees with purchasing authority on product and contract specifications that requires recyclable materials are to be purchased. Ensure these employees are adequately trained on the facility's green procurement plan and understand that the highest percentage of recyclable material is to be purchased. Report purchases in the annual Sustainable Practices report.		
P3	Green Procurement	17. Failure to procure items composed of the highest percentage of recovered materials practicable; or failure to document why such items were not purchased. 40 CFR 247.2(d) RCA: Purchase items composed of the highest percentage of recovered materials practicable. If these items are not purchased, document why (i.e.: the products are not reasonably available, the product fails to meet performance standards, the product is not available at a competitive price, etc.) Report purchases in the annual Sustainable Practices report.		
P3	Green Procurement	18. Failure to reduce use of toxic chemicals and generation of hazardous waste. EO 13423 Sec 2(e)(i-ii) RCA: Reduce the use of toxic chemicals and generation of hazardous waste by purchasing green products. Develop a green procurement plan to purchase green products that do not contain hazardous chemicals. Train employees with purchasing authority on the green procurement plan. Maintain training records of employees in accordance with the EMS and File Disposition Plan.		
P3	Green Procurement	20. Failure to purchase non hazardous materials. EO 13423 Sec 2(e)(i-ii) RCA: Develop a green purchasing plan that identifies vendors for non hazardous material purchases. Train employees with purchasing authority on purchasing requirements referenced in the green purchasing plan. Maintain a copy of employee training records in the designated location referenced in the EMS.		
P3	Green Procurement	21. Failure to require purchase of recovered materials / recyclable products in contracts. 40 CFR 247.4(a) RCA: For all contracts, include language that requires the use of recovered / recyclable products to be used throughout the life of the contract.		
P3	Green Procurement	22. Failure to reduce use of hazardous chemicals. EO 13423 Sec 2(e)(i) RCA: Reduce the use and purchase of hazardous chemicals by purchasing green products.		
P3	Green Procurement	23. Failure to reduce vehicle fleet's annual petroleum consumption. EO 13423 Sec 2(g)(i) RCA: Reduce the annual petroleum consumption of vehicle fleet by purchasing fuel efficient vehicles, car pooling, effective planning, etc.		
P2	Hazardous Waste Management	2. Failure to conduct a hazardous waste determination (characterization) for hazardous waste, including unlabeled, outdated and/or chemicals no longer used to determine whether waste streams are hazardous or nonhazardous. 40 CFR 261.31-33 & 262.11(a-d) RCA: Prepare an inventory of chemical wastes. Determine if wastes are listed hazardous wastes (see 40 CFR 261.31-33) or characteristic wastes (one that demonstrates hazardous characteristics-both physical hazards or adverse health effects-corrosive, ignitable, reactive, toxic) Or statutory wastes (those defined under statute,) for unidentified materials, sample and test by a qualified lab. Waste streams may also be identified as hazardous or non hazardous by knowledge of waste generation processes. Once hazardous waste streams are identified, contact certified hazardous waste haulers with an EPA ID number to transport, treat, store, and/or dispose of hazardous waste. Obtain waste manifests transport/disposal of all hazardous materials removed. Maintain records for three years after the waste have been disposed of, including records of the waste determination, manifests, contractor contract, contractor's EPA ID number, waste logs, and disposal sites. Maintain as permanent records in accordance with the File Disposition Plan and archive to the Federal Records Center. Maintain all records at the record location referenced in the EMS.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	Hazardous Waste Management	3. Failure to keep records of the hazardous and non hazardous waste determinations for all waste streams at the program of origin for three years after the waste was disposed of. 40 CFR 262.40 RCA: Keep all waste disposal records, waste accumulation logs, waste inventories, and waste determination records at the program of origin for three years after the waste is disposed of. This includes appropriate documentation on waste stream determinations for hazardous or nonhazardous through process knowledge or analytical testing. Keep waste stream determination records at the designated location referenced in the EMS.		
P2	Hazardous Waste Management	6. Failure to obtain a Hazardous waste generator permit from the EPA and/or state, including submitting a notice of Hazardous Waste Generation Activity to EPA for generation of 220 lbs (100 kg) of hazardous waste per month. 40 CFR 262.12(a) RCA: For waste generation of 220 lbs (100 kg) of hazardous waste per month, obtain a SOG or LQG generator permit number from EPA and/or the state by submitting a Notice of Hazardous Waste Generation Activity. The Notice is resubmitted to EPA whenever a new waste stream is generated or facility generator status changes.		
P2	Hazardous Waste Management	8. Failure to obtain an Industrial permit (or applicable approval) from the wastewater treatment facility for disposal of hazardous waste down the drain; including document of waste determinations. 40 CFR 262.11 RCA: Notify the wastewater treatment facility and obtain the required permit or written approval to discharge hazardous wastes from the drain. Record type of wastes disposed of and amount. Maintain records. Reference records in the EMS including record location.		
P2	Hazardous Waste Management	10. Failure to notify EPA of change in generator status for acutely hazardous waste when the facility generates more than 2.2 lbs. 40 CFR 261.5(e)(1) RCA: Notify EPA / State when 2.2 lbs (1 kg) of acutely hazardous waste is generated. Apply for a hazardous waste permit from EPA / State if this is more than a one-time occurrence. Submitted a Notice of Hazardous Waste Generation Activity, and obtained an EPA, Tribal, or State generator identification number. The Notice is resubmitted to EPA whenever a new waste stream is generated or facility generator status changes.		
P2	Hazardous Waste Management	11. Failure to obtain a hazardous waste permit for the generation of more than 220 lbs of hazardous waste in any calendar month. 40 CFR 261.5(e) RCA: Apply for a hazardous waste permit from EPA / State when the facility generates 220 lbs (100 kilograms) of any hazardous waste in any calendar month including residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous wastes. Submitted a Notice of Hazardous Waste Generation Activity, and obtained an EPA, Tribal, or State generator identification number. The Notice is resubmitted to EPA whenever a new waste stream is generated or facility generator status changes.		
P2	Hazardous Waste Management	12. Exceeded waste generation of over 2,200 lbs (1000kg) of hazardous waste at any one time. 40 CFR 261.5(g)(2) RCA: If the Small Quantity Generator facility accumulates more than 1,000 kilograms of hazardous waste at any one time, it must apply for a Large Quantity Generator permit from EPA / State. Submitted a Notice of Hazardous Waste Generation Activity, and obtained an EPA, Tribal, or State generator identification number. The Notice is resubmitted to EPA whenever a new waste stream is generated or facility generator status changes.		
P2	Hazardous Waste Management	14. Failure to comply with small quantity generator status when the facility exceeded any of the accumulation limits for any month. 40 CFR 261.5 RCA: If the facility cannot comply with the permit requirements for a Small Quantity Generator and the facility exceeds any of the accumulation limits for any month, notify EPA immediately and make application for a Large Quantity Generator.		

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P2	Hazardous Waste Management	16. Failure to maintain hazardous waste containers in good condition; failure to ensure containers are compatible with material stored. <u>40 CFR 265.172</u> RCA: Maintain hazardous waste containers in good condition and use compatible containers with the material stored (e.g., corrosives should be in plastic, not metal containers).		
P2	Hazardous Waste Management	17. Failure to adequately store containers of hazardous waste properly (i.e., solvents, boiler chemicals, PCB ballasts, antifreeze, paints), and keeping hazardous waste containers closed except when adding or removing waste. <u>40 CFR 265.173</u> RCA: Store compatible waste together in compatible containers and with proper labeling. Do not leave containers open - Close hazardous waste containers with all bungs closed tight except when actually adding or removing waste. Develop SOPs, assign roles and responsibilities to staff, and train staff on hazardous waste management. Reference SOPs and required training in the EMS. Maintain all documents in the record location specified in the EMS.		
P2	Hazardous Waste Management	18. Failure to properly mark/label drums or other containers of hazardous waste with the content of the container, accumulation start date, and the words "Hazardous Waste". <u>40 CFR 262.34 (a)(2-3)&(d)(4)</u> RCA: Develop SOPs for managing hazardous waste. Label hazardous waste containers with the words "Hazardous Waste", start date of waste accumulation, and the name of the contents in the container. Maintain hazardous waste log with all this information which is required for a hazardous waste generator. Identify staff's roles and responsibilities and reference in the EMS. Maintain all hazardous waste records at the record location specified in the EMS.		
P2	Hazardous Waste Management	20. Failure to restrict hazardous waste to 55 gallons or less in accumulation area; Failure to keep accumulation area under the control of the operator that generated the waste. <u>40 CFR 262.34(c)(1)</u> RCA: Ensure that waste generation accumulation areas are under the control of the operator of the process generating the waste and are not storing waste over 55 gallons of any one hazardous waste type at any given time by conducting weekly inspections of the accumulation areas. Documentation should include hazardous waste container condition, name of employee conducting the inspection, date, time, and approval section for supervisor to verify that the supervisor reviewed the report. Retain inspections records for three years and reference location of records in the EMS. Archive records in accordance with the File and Disposition Plan.		
P2	Hazardous Waste Management	21. Failure to transfer drummed hazardous waste from point of generation (accumulation area) to a 90 or 180 day accumulation staging area once the amount exceeded 55 gallons within three days. <u>40 CFR 262.34 (b) & (c)(1)</u> RCA: Remove hazardous waste from point of generation (accumulation area) once a maximum of 55 gallons is generated. These containers should already be labeled with the date waste began accumulation and name of contents. Hazardous waste must be transferred to the 90 or 180 day staging area within three days when the amount of hazardous waste stored reaches 55 gallons. Record this information in the hazardous waste generation log. Maintain this record in the record of location referenced in the EMS.		
P2	Hazardous Waste Management	22. Failure to inspect hazardous waste containers once a week for deterioration. <u>40 CFR 262.34(a)(4) & (d)(2)</u> RCA: Weekly inspect hazardous waste containers for deterioration. Document weekly inspections and identify who conducted the inspection. Documentation should include hazardous waste container condition, notes of any change in storage area, name of employee conducting the inspection, date, time, and approval section for supervisor to verify that the supervisor reviewed the report. Retain inspections records for three years and reference location of records in the EMS. Archive records in accordance with the File and Disposition Plan.		

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P2	Hazardous Waste Management	23. Failure to segregate incompatible hazardous wastes to prevent mixing in the event of spills/releases. 40 CFR 265.177@ RCA: Segregate incompatible hazardous wastes with berms, dikes, walls, or other methods to prevent mixing in the event of a release or spill.		
P2	Hazardous Waste Management	24. Failure to clearly label hazardous waste containers with start accumulation date. 40 CFR 262.34(e)(2) RCA: Clearly label containers of hazardous waste with the "accumulation start date". Keep all labeling on containers "visible" for inspection.		
P2	Hazardous Waste Management	25. Failure to properly store ignitable or reactive waste more than 50 feet (approximately 15 meters) from a property line. 40 CFR 265.176 RCA: Store containers of hazardous waste containing ignitable or reactive waste approximately 15 feet (15 meters) from a property line.		
P2	Hazardous Waste Management	26. Failure to use/property complete a hazardous waste manifest with the facility EPA ID number on all offsite shipments of hazardous waste. 40 CFR 262.20(a)(7) RCA: After the generator has received an EPA identification number, he may offer his hazardous waste to transporters for storage/treatment/disposal. The generator must complete a Manifest (OMB Control number 2050-0039) on EPA form 8700-22, and if necessary, EPA Form 8700-22A, according to the instructions referenced in the appendix to 40 CFR 260.20 Subpart B.		
P2	Hazardous Waste Management	30. Failure to remove stored hazardous wastes within the allowable time limits: SQGs - 180 days/ if being transported more than 200 miles, remove within 270 days; LQGs - remove within 90 days of generation. 40 CFR 262.34(a)&(d) RCA: Do not store hazardous waste onsite for no longer than the allowable time limits: For SQGs, the hazardous waste is shipped offsite within 180 days of its generation. If the hazardous waste is being shipped greater than 200 miles, the waste is shipped offsite within 270 days of its generation (RCRA) For LQGs, the hazardous waste is shipped offsite within 90 days of its generation.		
P2	Hazardous Waste Management	32. Failure to ship hazardous waste in accordance with DOT transport requirements. 40 CFR 262.30-33 RCA: Ship hazardous waste in accordance with DOT transport requirements.		
P2	Hazardous Waste Management	33. Failure to sign a hazardous waste manifest for each shipment of hazardous waste. 40 CFR 262.23(a-e) RCA: Prepare a hazardous waste manifest for each shipment of hazardous waste (designed for recycling or disposal). Maintain a copy of the initial signed copy of all manifests for three years from the date the waste was accepted by the initial transporter, or until the facility receives the copy signed by the designated TSDF. The facility assures that copies destined for the tribe, state or EPA (Copy 7) are sent to the tribe, state, or EPA. If the TSDF is in a different state, a copy of the manifest is sent to that state.		
P2	Hazardous Waste Management	34. Failure to maintain a copy of the manifest at the facility for three years. 40 CFR 262.40(e) RCA: Maintain the hazardous waste manifest copy signed by the designated TSDF for 3 years in the designated file location referenced in the EMS.		

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	Hazardous Waste Management	35. Failure to have response/cleanup procedures for sudden, accidental or unplanned releases/spills of hazardous waste, petroleum, oil, and/or chemicals; including incidents of fire, explosions, and naturally occurring adverse conditions involving areas where chemicals are stored where a release could impact the environment. 49 CFR 265.56 RCA: Review 40 CFR 265.56: Emergency Procedures, and develop procedures for emergency response and cleanup. Provide training to staff responsible for response and cleanup and provide routine briefings to staff so they are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities. Documentation of training should include: employee name, date of training, description of training, copy of training materials used, location of training, name/address of person providing training, and certification that the person was trained and tested in accordance with the requirements of 49 CFR 172, Subpart H. Reference the procedure in the EMS and document training in the record location specified in the EMS.		
P2	Hazardous Waste Management	36. Facility exceeded maximum hazardous waste accumulation of 13,200 lbs (6,000 kg) onsite. 40 CFR 262.34(d)(7) RCA: If quantity of waste accumulated onsite exceeds 13,200 lbs (6000 kg), determine why and if the exceedance was due to a one-time, unusual or unforeseen event. Request and receive the appropriate extension from EPA to maintain SQG status. Note: There are no exemptions for exceeding quantity limits.		
P2	Hazardous Waste Management	37. Failure to apply for/receive an extension from EPA to maintain SQG status due to a one-time unusual or unforeseen event (remediation, lead paint removal) that caused accumulation to exceed the accumulation time limits. 40 CFR 262.34(f) RCA: When hazardous waste accumulation times are exceeded from a one-time, unusual or unforeseen event (e.g., remediation, or lead paint removal), request and receive the appropriate extension from EPA to maintain SQG status. Note: There are no exemptions for exceeding quantity limits.		
P2	Hazardous Waste Management	38. Failure to notify the EPA Regional Administrator when the facility did not receive a signed copy of the manifest from the designated TSDF within 90 days. 40 CFR 262.42(f) RCA: When the facility does not receive a signed copy of the manifest from the designated TSDF within 60 days of the shipment, submit a copy of the manifest to the EPA Regional Administrator with an explanation that a signed manifest was not received from the TSDF.		
P2	Hazardous Waste Management	39. Failure to confirm that when hazardous waste is shipped without a manifest, the waste was sent to a reclaimer under a contractual agreement that specifies type of waste and frequency of shipments; the vehicle use to transport is owned and operated by the waste reclaimer; the facility maintains a copy of the reclamation agreement for three years after termination/expiration of the agreement. 40 CFR 262.20(e)(7-2) RCA: When hazardous waste is shipped without a manifest, apply the following: The waste is sent to a reclaimer under a contractual agreement that specifies the type of waste and frequency of shipments; The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the waste reclaimer; The facility maintains a copy of the reclamation agreement in its files for at least three years after termination or expiration of the agreement.		
P2	Hazardous Waste Management	40. Failure to keep records of used oil/solvent mixtures burned; failure to confirm that solvent does not contain F020, F021, F022, F023, F026, or F027 waste. 40 CFR 266.108 RCA: Implement the following required specifications when burning used oil/solvent mixtures in used oil furnaces: Volumes burned is less than 210 gallons/month; Boiler rating meets EPA minimums; Effective slack height of boiler is greater than 4 m; BIA maintains records of each time waste is burned in the boiler. BIA notifies EPA that it is a small quantity generator and is burning solvent as a method of solvent disposal; Solvent has a minimum heating value of 5,000 Btu/lb. Solvent does not contain F020, F021, F022, F023, F026, or F027 waste.		

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P2	Hazardous Waste Management	41. Failure to designate at least one employee with the responsibility for coordinating emergency response measures related to hazardous waste management. <u>40 CFR 262.34(d)(5)(i)</u> RCA: Designative one employee on the premises and/or on call with the responsibility for coordinating all emergency response measures related to hazardous waste management.		
P2	Hazardous Waste Management	42. Failure to post required emergency information next to the telephone. <u>40 CFR 262.34(d)(5)(ii)</u> RCA: Post the following information next to the telephone: Name and telephone number of the emergency coordinators; Location of fire extinguishers and spill control materials, and, if present, fire alarm; and Telephone number of the fire department.		
P2	Hazardous Waste Management	43. Failure to properly train employees with waste handling and emergency procedures; failure to ensure employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their duties. <u>40 CFR 262.34(d)(5)(iii)</u> RCA: Train all employees to be thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies. Documentation of training should include: employee name, date of training, description of training, copy of training materials used, location of training, name/address of person providing training, and certification that the person was trained and tested in accordance with the requirements of 49 CFR 172, Subpart H		
P2	Hazardous Waste Management	44. Failure to allow the emergency coordinator to respond to any emergencies that arise. <u>40 CFR 262.34(d)(5)(iv)</u> RCA: Authorize the emergency coordinator to respond to any emergencies that arise.		
P2	Hazardous Waste Management	46. Failure to properly notify the National Response Center (NRC) and proper authorities (state, Tribe) in the event of a release; and provide NRC with required information within 24 hours of the release. <u>40 CFR 262.34(d)(5)(v)</u> RCA: Immediately contact the National Response Center (NRC) in the event of a release, and provide the NRC with the following information within 24 hours of the release or knowledge that a spill has reached a surface water. Date, name, address and EPA ID Number. Date, time and type of incident; Quantity and type of hazardous waste involved in the incident; Extent of injuries if any; and Estimated quantity and disposition of recovered materials, if any. Maintain a copy for three years of the notification and file in the records location specified in the EMS.		
P2	Hazardous Waste Management	47. Failure to prepare and submit an Biennial Report to the EPA Regional Administrator by March 1 for shipping hazardous waste off-site to a treatment, storage or disposal facility. <u>40 CFR 262.41</u> RCA: Prepare and submit a Biennial Report using Form 8700-13A to the EPA Regional Administrator by March 1 (in each even numbered year for the previous year) for hazardous waste transported off-site to a treatment, storage or disposal facility. Keep a copy of the Report in the files and maintain for three years from the date of the report. Reference in the EMS		
P2	Hazardous Waste Management	48. Failure to keep a copy of the Biennial Report (Form 8700-13A) for three years. <u>40 CFR 262.40(b)</u> RCA: Keep a copy of the Biennial Report (Form 8700-13A) in the file location specified in the EMS and maintain for three years from the date of the report. Archive in accordance with the Facilities File and Disposition Plan.		

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P2	Hazardous Waste Management	49. Failure to have a written contingency plan that addresses ER procedures, contacts, locations of hazardous waste and chemicals are stored, etc. 40 CFR 265.51 RCA: Review the requirements of a contingency plan referenced in 40 CFR 265.51 and develop a written contingency plan that addresses: Details of ER procedures; Arrangements with local ER agencies; Contact information of the facility ER coordinator; List of all locations where hazardous waste is stored; List and location of all ER equipment; Facility evacuation plan; and Description of ER training. Maintain a copy of the plan in the records location specified in the EMS.		
P2	Hazardous Waste Management	50. Failure to minimize the toxicity and volume of hazardous waste generated. 40 CFR 262.41(a)(6) RCA: Minimize the toxicity and volume of hazardous waste generated by discontinuing the purchase of hazardous materials and replacing with green products.		
P2	Hazardous Waste Management	51. Failure to have written procedures to ensure hazardous wastes is properly managed. 40 CFR 262.34 (a)(1)(iv)(A) RCA: Develop a standard operating procedure for Hazardous waste management that contains the following: For storage of hazardous waste in a containment building, maintain records of a written description of procedures to ensure that hazardous waste remains in the waste storage area for no more than 90 days; A written description of the waste generation and waste management practices showing that they are consistent with the 90 day limit, and documentation that procedures are complied with "or" Documentation that the waste storage area is emptied at least once every 90 days. Train employees that work with hazardous waste on the SOP. Maintain a copy of employee training records and the SOP for hazardous waste management in the EMS.		
P2	Hazardous Waste Management	52. Failure to complete an Exception Report to EPA when the Transfer, Storage, Disposal facility fails to send the facility a signed copy of the Hazardous waste manifest. 40 CFR 262.42(a)(2) RCA: Complete an "Exception Report and submit to EPA when a signed copy of the manifest from the designated TSDF is not received within 45 days of the shipment.		
P2	Hazardous Waste Management	53. Failure to maintain training records to verify that employees were trained/familiar with proper waste handling/emergency procedures relevant to their responsibilities. 40 CFR 265.16(a) RCA: Require all facility personnel that work with hazardous waste to successfully completed a program of classroom instruction or on-the-job training for working with hazardous wastes in performance of their duties.		
P2	Hazardous Waste Management	54. Failure to provide classroom instruction or on-the-job training within six months of hiring new employees that work with hazardous waste. 40 CFR 265.16(b) RCA: Train employees within six months of starting their job, in working with hazardous waste. Document training the file location referenced in the EMS.		
P2	Hazardous Waste Management	56. Failure to take part in an annual review of the initial hazardous waste training. 40 CFR 265.16(c) RCA: Provide for management to conduct an annual review of initial hazardous waste training.		
P2	Hazardous Waste Management	56. Failure to maintain records of employees and job titles related to hazardous waste management. 40 CFR 265.16(d)(1) RCA: Record the name of each employee, and his or her job title for each position related to hazardous waste management. Maintain records in the designated area as identified in the EMS.		

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P2	Hazardous Waste Management	57. Failure to maintain a written description for each job, including skill, education or other qualifications of personnel assigned to hazardous waste duties/positions. 40 CFR 265.16(d)(2) RCA: Regarding hazardous waste management, maintain a written description of each job, including the requisite skill, education, or other qualification, and duties of facility personnel assigned to hazardous waste positions.		
P2	Hazardous Waste Management	58. Failure to develop a written description of the type and amount of training given to employees related to hazardous waste management. 40 CFR 265.16(d)(3) RCA: Develop a training plan that describes the type and amount of both introductory and continuing training provided to each employee working with hazardous waste/management. Reference plan in the EMS.		
P2	Hazardous Waste Management	59. Failure to maintain records of training participation for hazardous waste management. 40 CFR 265.16(d)(4) RCA: Maintain records of hazardous waste management training and employee participation (sign-in sheets) in the record location specified in the EMS.		
P2	Hazardous Waste Management	60. Failure to keep records on current personnel until closure of the facility. Failure to keep records on former employees for three years after the employee leaves. 40 CFR 265.16(e) RCA: Maintain training records on current personnel until closure of the facility. Keep training records on former employees for three years from the date the employee last worked at the facility. Reference record location in the EMS.		
P2	Hazardous Waste Management	61. Failure to comply with Conditionally Exempt Small Quantity Generator requirements for inventory, accumulation, treatment, labeling, handling, emergency response, & transfer for disposal of hazardous wastes. 40 CFR 261.5 (g)(1) RCA: Develop procedures and train employees responsible for hazardous / universal waste management. Identify staff responsible and reference in the EMS. Conditionally Exempt Small Quantity Generator - Monthly generation to 220 lbs (100 kg) hazardous waste - approximately 1/2 drum. Includes contaminated soil		
P2	Hazardous Waste Management	62. Failure to comply with "Small Quantity Generator" requirements (storage, accumulation, treatment, labeling, handling, transfer, emergency response, inventory) for hazardous wastes. 40 CFR 261.5; 262.11 RCA: Develop procedures and train employees responsible for hazardous / universal waste management. Identify staff responsible and reference in the EMS. Small Quantity Generator - monthly generation between 220 lbs & 2,200 lbs (100-1000kg) hazardous waste.		
P2	Hazardous Waste Management	63. Failure to comply with "Large Quantity Generator" requirements (storage, accumulation, treatment, labeling, handling, transfer, emergency response, inventory) for hazardous wastes. 40 CFR 261.1 & 9 RCA: develop procedures and train employees responsible for hazardous / universal waste management. Identify staff responsible and reference in the EMS. Large Quantity Generator - monthly generator of 2,200 lbs (1,000kg) hazardous waste or more.		
P2	Hazardous Waste Management	64. Failure to determine generator status. 40 CFR 261.2 RCA: Make a waste determination for hazardous wastes to determine whether the facility meets conditionally exempt small quantity generator status		
P2	Hazardous Waste Management	65. Failure to use EPA certified waste haulers for transport of hazardous waste. 40 CFR 272.55; 273.18 RCA: Use only certified waste haulers for hazardous waste transportation. Maintain records on hauler. Reference in the EMS and keep records in record location specified in the EMS.		

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P2	Hazardous Waste Management	66. Failure to comply with hazardous waste record management requirements for "logs" that must include waste accumulation dates, amounts, and disposal to verify generator status. 40 CFR 262.34(a)(1)(i)-(A-B) RCA: Develop waste logs for each waste generated, including beginning date of accumulation and recording routine inspections. Develop SOPs, assign staff roles/responsibilities, and train staff. Reference in the EMS.		
P2	Hazardous Waste Management	67. Failure to clean up hazardous waste and maintain operations to minimize possibility of any unplanned release to air, soil, surface water which may threaten human health or the environment. 40 CFR 263(d)(5) & 264.31 RCA: Provide procedures and training to those responsible for response and clean up. Reference procedures in the EMS. Maintain training records in the record location specified in the EMS.		
P2	Hazardous Waste Management	68. Failure to apply for/obtain an EPA ID number from the EPA Administrator for the treatment, storage, disposal and transportation of hazardous waste. 40 CFR 262.12 RCA: Obtain an EPA ID number from the EPA Administrator for hazardous waste prior to treating, storing, disposing of, transporting, or offering for transportation. Maintain records in the location specified in the EMS.		
P2	Hazardous Waste Management	69. Failure to conduct an inventory of chemicals used and stored at the facility. 40 CFR 262.11 & 265.5(g) RCA: Prepare a chemical inventory (including name of chemical, amount, expiration date) for each program that uses chemicals. List all chemicals, including unlabeled and out-dated. Develop a waste determination and properly dispose of those chemicals determined to be a waste (generally those not used, out-dated, and unlabeled) by completing waste manifests, using a certified contractor, using a certified waste hauler, and disposing of at a certified hazardous waste facility. Develop SOPs for updating chemical inventories, training staff on use of chemicals, emergency response for accidental spills and releases. Define staff roles and responsibilities in the EMS. Maintain all waste manifests, copies of waste haulers EPA IDs, contractor EPA IDs, chemical inventories, and signed waste manifests received from the disposal facility in the record location specified in the EMS.		
P2	Hazardous Waste Management	70. Failure to stop releases from containers of chemicals and/or unknown wastes. 40 CFR 273.13(d), 14(e)&15(c) RCA: Immediately clean up chemical releases and dispose of contaminated media (soil, water, vegetation, etc) as hazardous waste using a certified waste hauler. Use appropriate Personal Protection equipment. Develop a SOP for clean up and train staff. Define staff roles and responsibilities and reference in the EMS. Maintain all records relating to the cleanup in the record location referenced in the EMS		
P2	Hazardous Waste Management	71. Failure to verify that employees were trained/familiar with proper waste handling / emergency procedures relevant to their responsibilities. No training records were maintained for working with hazardous waste. 40 CFR 265.16 (a-e) RCA: Provide hazardous waste management training to staff covering emergency response, personal protection equipment, proper waste handling, containment and notification. Develop a SOP for hazardous waste management. Provide routine briefings on new chemicals and review MSDS information. Maintain training records on staff and file in the record location specified in the EMS.		

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	Hazardous Waste Management	72. Failure to properly dispose of unused out-of-date chemicals. 40 CFR 262.11(a-d) RCA: Develop plans to properly dispose of un-used and/or out-of-date chemicals by: Conducting a complete review of chemicals to identify that they are no longer used; Collect the chemicals identified for disposal in a location that provides protection from weather, has spill containment, and allows for separation of incompatible materials; Conduct a waste characterization by determining which chemicals are hazardous waste (meeting one or more of the four characteristics: ignitability, corrosivity, reactivity, or toxicity), or is a "listed" hazardous waste (Part 261, Subpart D), or a waste mixed with a listed waste; Determine the generator status of the facility based on the quantity of hazardous waste accumulated; Obtain an EPA Identification Number if the facility is now a Small or Large Quantity Generator; Arrange for a hazardous waste service contractor to properly identify, package, and ship chemicals to an authorized hazardous waste treatment and disposal facility; (If Small or Large Quantity generator - ensure Hazardous Waste Manifest is shipped with waste); Obtain and maintain all documentation related to waste characterization, transport and disposal in a location referenced in the EMS. To prevent recurrence, develop a chemical inventory and limit the purchase of hazardous chemicals and replace hazardous chemicals with a green product.		
	NEPA	9. Failure to complete the appropriate environmental NEPA document prior to taking Federal action. 40 CFR 1501.3(a) RCA: Notify the RES and Regional Archeologist, and request for a site evaluation to determine if natural resources have been impacted. Stop any further action on the project until further notice from the RES and Regional Archeologist.		
P3	NEPA	18. Failure to conduct consultation with appropriate Federal/state agencies, Tribes, and organizations on Federal actions proposed for approval. 40 CFR 1501.4(b), 1506.6 RCA: Conduct consultation with the appropriate entities on all Federal actions requiring Federal approval. Document responses received. Include responses in the official file of record.		
P3	NEPA	26. Failure to verify that mitigation measures identified in the NEPA document were communicated to those responsible for implementation. 40 CFR 1505.3 RCA: Ensure all mitigation measures identified in the NEPA document are implemented and maintained. If the Federal action is contracted, include measures in the contract, design plans, or other type of agreement that is subject to federal approval. Monitor the action to ensure measures are being implemented.		
P3	NEPA	27. Failure to obtain signatures on the Categorical Exclusion form from the BIA Archeologist (Item 7) and the BIA Environmentalist. 1A-CE RCA: Ensure that the BIA Archeologist concurs with item 7 of the Categorical Exclusion form by signature and that the BIA Environmentalist has reviewed and signed the form.		
P2	Universal Waste	1. Failure to manage universal waste in a manner that prevents releases to the environment. 40 CFR 273.13(a) RCA: Develop a procedure to manage universal waste that prevents releases to the environment, provides instructions on immediate clean-up action if releases occur, and directions for staging universal waste, labeling waste containers with name of wastes and start accumulation dates, and how to dispose of these wastes. Train employees on this procedure and maintain a copy in the file location specified in the EMS.		

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P2	Universal Waste	2. Failure to contain releases of universal wastes. <u>40 CFR 273.17(a)</u> RCA: Develop a procedure to manage universal waste that prevents releases to the environment, provides instructions on immediate clean-up action if releases occur, and directions for staging universal waste, labelling waste containers with name of wastes and start accumulation dates, and how to dispose of these wastes. Train employees on this procedure and maintain a copy in the file location specified in the EMS.		
P2	Universal Waste	3. Failure to determine if waste generated as a result of a universal waste release is a hazardous waste. <u>40 CFR (260-272)</u> RCA: Follow manufacturer guidelines when a universal waste release occurs. If none are available, isolate the area and restrict access. Immediately contact the RES. The RES will determine if waste generated as a result of a universal waste release is a hazardous waste, and if so, manages the hazardous waste in compliance with all applicable requirements of 40 CFR parts 260 through 272.		
P2	Universal Waste	4. Failure to manage hazardous wastes when created through a release of a universal waste, including compliance with generator status. <u>40 CFR 273.17(b)</u> RCA: Follow manufacturer guidelines when a universal waste release occurs. If none are available, isolate the area and restrict access. Immediately contact the RES. The RES will determine if waste generated as a result of a universal waste release is a hazardous waste, and if so, manages the hazardous waste in compliance with all applicable requirements of 40 CFR parts 260 through 272. If a hazardous waste, the facility is considered a hazardous waste generator and the hazardous waste must be managed in compliance with 40 CFR Part 262. (See BIA Hazardous Waste Management CheckSheet for additional regulatory requirement citations).		
P2	Universal Waste	5. Failure to dispose of universal waste (fluorescent lamps, batteries) properly. <u>40 CFR 273.13(d)</u> RCA: Properly dispose of universal waste in accordance with manufacturer's guidelines or through a certified EPA contractor. Maintain waste generator logs and label all containers with the start date of accumulation, and name of content. Keep all waste manifests or waste disposal certificates and file in the location specified in the EMS.		
P2	Universal Waste	6. Failure to properly dispose of universal wastes batteries, lamps, thermostats, pesticides) by exceeding storage accumulation of over one year after the material was designated a universal waste. <u>40 CFR 273.15(a, b)</u> RCA: Properly dispose of Universal waste such as batteries, lamps, thermostats, and pesticides within a year once the material has been designated a waste. Do not accumulate longer than one year from the date they become wastes. Dispose of in accordance to the manufacturer's guidance or according to the facilities standard operating procedure. Maintain records of accumulation start dates and disposal dates in the record location specified in the EMS.		
P2	Universal Waste	7. Failure to document the length of time universal wastes have been accumulating as a waste. <u>40 CFR 273.15(c)</u> RCA: Label universal waste containers with the accumulation start date to verify the length of time batteries, lamps or, thermostats have accumulated as a waste. Develop a procedure for universal waste management that identifies how universal waste will be labeled from start of generation to disposal. Some suggestions are: Place the waste in a container and mark / labeling the container with the start date the material became a waste. Or mark/label each individual item with the date it became a waste or was received; or maintain a log or inventory system on-site that identifies the date each universal waste became a waste or was received. Maintain the standard operation procedure in the record location specified in the EMS		

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P2	Universal Waste	8. Failure to inform employees on handling procedures/operating procedures for universal wastes including emergency response procedures in case of a release. 40 CFR 273.16 RCA: Provide clear instruction and training to employees who handle or have responsibility for managing used batteries, lamps, or thermostats. Including emergency response procedures / actions to be taken for releases from leaking containers or broken lamps. Document the instructions and employee training in the record location specified in the EMS.		
P2	Universal Waste	9. Failure to maintain records of off-site shipments of universal wastes. 40 CFR 273 RCA: Maintain records of off-site shipments of all universal waste disposals. These records include: Quantity of shipments; Date of shipment; Name of transporter and EPA I.D. number, and name of recycling facility. Keep a copy of the record in the record location specified in the EMS.		
P2	Universal Waste	10. Failure to use a registered universal waste hauler for off-site transport of universal wastes. 40 CFR 273.18(e) RCA: Use a registered universal waste handler with a EPA ID number. Disposal of universal wastes at a universal waste handler or a approved recycling/disposal facility. Document disposal and maintain a copy at the record location specified in the EMS.		
P2	Universal Waste	12. Failure to contain releases of universal wastes when transporting its own universal waste. 40 CFR 273.54(a, b) RCA: Transport universal waste within a spill containment container large enough to contain release of waste being transported. Provide for immediate response actions if releases occur during transport. Contains all releases of the wastes and other contaminated residues. Determine if any releases are hazardous, and dispose of accordingly if determined to be hazardous waste. Maintain records of releases, clean-ups, actions taken, disposal and notifications. Keep records in the location specified in the EMS.		
P2	Universal Waste	13. Failure to place damaged or leaking batteries that could cause a release to the environment in a closed, sound and compatible container. 40 CFR 273.13(a)(7) RCA: Keep any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonable foreseeable conditions in a closed, structurally sound, compatible container that would not leak under reasonable foreseeable conditions. Routinely monitoring containers for deterioration that contain damaged or leaking universal waste. Keep records on monitoring and file in the location specified in the EMS.		
P2	Universal Waste	14. Failure to clearly label universal waste containers (i.e.: waste batteries, fluorescent lamps, mercury wastes). 40 CFR 273.14(a) RCA: Clearly label universal waste batteries, or a container where batteries are contained, with any one of the following phrases: "Universal Waste Battery(ies)", or "Waste Battery(ies)", or "Used Battery(ies)".		
P2	Universal Waste	15. Failure to reclaim or recycle batteries with hazardous constituents; or manage as hazardous waste. 40 CFR 266, Subpart G RCA: Recycle or reclaim Batteries that contain hazardous constituents, or manage as hazardous waste. (See the BIA Hazardous Waste Checksheet).		
P2	Universal Waste	17. Failure to manage universal waste in containers or packages that are structurally sound and adequate to prevent breakage and releases. 40 CFR 273.13(d)(7) RCA: Manage Fluorescent Lamps as a universal waste and contain in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Keep containers and packages closed and routinely monitor for evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. Maintain records of routine monitoring and file in record location specified in the EMS.		

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P2	Universal Waste	18. Failure to immediately clean up releases from broken lamps to minimize the threat of a release of hazardous waste into the environment. 40 CFR 273.13(d)(2) RCA: Immediately clean-up releases from broken lamps in accordance with the manufacturers specifications. Place waste material in a container that is structurally sound and compatible with the contents. Determine if any releases are hazardous, and dispose of accordingly if determined to be hazardous waste. Maintain records of releases, clean-ups, actions taken, disposal and notifications. Keep records in the location specified in the EMS.		
P2	Universal Waste	19. Failure to label or clearly mark containers containing lamps. 40 CFR 273.14(e) RCA: Clearly label / mark containers containing universal waste lamps with the start accumulation date using one of the following phrases: "Universal Waste - Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)".		
P2	Universal Waste	20. Failure to label or clearly mark containers containing universal waste thermostats. 40 CFR 273.14(d) RCA: Clearly label / mark containers containing universal waste thermostats with any one of the following phrases: "Universal Waste-Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)".		
P2	Universal Waste	21. Failure to maintain containers and/or above ground storage tanks used to store used oil in good condition. 40 CFR 279.22(b) RCA: Maintain containers and aboveground storage tanks used to store used oil in good condition with no severe rusting, apparent structural defects, deterioration, or leaking. Routinely monitor containers / tanks and document findings. Maintain a copy of the monitoring record in the file location specified in the EMS.		
P2	Universal Waste	22. Failure to properly store used oil in labeled containers. 40 CFR 279.22© RCA: Clearly label / mark containers used to store used oil with the words "Used Oil".		
P2	Universal Waste	23. Failure to label "Fill Pipes" used to transfer used oil into underground storage tanks. 40 CFR 279.22 RCA: Clearly label / mark fill pipes used to transfer used oil into underground storage tanks with the words "Used Oil".		
P2	Universal Waste	24. Failure to drain terre-plated filters before disposal. 40 CFR 261.4(b)(13)(i)-(iv) RCA: Before disposal, drain terre-plated filters using one of the following methods: Puncture the filter anti-drain back valve or the filter dome end and not drain (>60F for at least 24 hour); Hot drain and crush; Dismantle and hot-drain, or Any equivalent method that removes all of the used oil. Develop a standard operating procedure and train employees on the procedure. Document in the file location referenced in the EMS.		
P2	Universal Waste	26. Failure to use a permitted Used Oil Waste Hauler that has an EPA ID number. 40 CFR 279.24 RCA: Contract used oil disposal with a certified / EPA permitted Used Oil Waste Hauler. Maintain a copy of the Hauler's EPA ID number on file and in the record location specified in the EMS.		
P2	Universal Waste	27. Failure to stop releases from used oil container or tank. 40 CFR 279.22(d)(1) RCA: Develop emergency response procedures / plan for events of a release from a used oil tank or container, which include: Stopping and containing the release; Properly managing any used oil or contaminated materials; and Replacing or replacing the leaking container or tank. Include notification procedures when releases enters surface waters. Document in the file location referenced in the EMS.		

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P2	Universal Waste	28. Failure to manage used oil mixtures as a hazardous waste. <u>40 CFR 279.10(b)</u> RCA: Develop procedures to manage used oil MIXTURES as hazardous waste. Minimize the toxicity and volume of hazardous waste generated by not mixing waste streams, keeping all used oil waste separate from other products / solvents. Train employees on the procedure. Document procedure and training records in the file location referenced in the EMS.		
P2	Universal Waste	33. Failure to test contaminated fuel to determine if it is a hazardous waste; failure to determine if contaminated fuel is not a hazardous waste before using for energy by burning. <u>40 CFR 262.11(a-d); 267.32e</u> RCA: Test contaminated/oil-specification fuel and determine if it is a hazardous waste. If a hazardous waste, manage as hazardous waste and dispose of accordingly. If waste is not hazardous, waste can be burned for energy, or recycled / reclaimed with a permitted vendor. Maintain testing records and disposal records. File in the record location referenced in the EMS.		
P2	Universal Waste	42. Failure to clean up used oil spills. <u>40 CFR 279.22 (d)(3)</u> RCA: Immediately clean up any oil/fuel spill using the proper spill response equipment. Dispose and manage the waste as hazardous. Properly train personnel of emergency response procedures to cleanup of spills and accidental releases. Maintain disposal records in the location referenced in the EMS.	RCA:	
P2	Universal Waste	43. Failure to use certified waste haulers for the transport of universal waste. <u>40 CFR 273.18, 273.55</u> RCA: Use only certified waste haulers for the transport of hazardous and universal waste. Maintain records on hauler in the location referenced in the EMS.		
P2	Universal Waste	44. Failure to properly store universal waste to prevent releases to the environment. <u>40 CFR 273.13</u> RCA: Manage universal waste in a manner that prevents releases to the environment.		
P2	Universal Waste	35. Failure to determine if used antifreeze and/or waste sludge generated from used antifreeze is a regulated hazardous waste. <u>40 CFR 262.11(a-d)</u> RCA: Test or use staff knowledge of the process to determine if used antifreeze and/or waste sludge (from used antifreeze) is a regulated hazardous waste. If a hazardous waste, review 40 CFR 260: Hazardous Waste Management System: General, and manage as hazardous waste, disposing of accordingly. If not a hazardous waste, it can be recycled. Maintain testing records and disposal records. File in the record location specified in the EMS.		
P2	Natural Resources Management	13. Failure to avoid impacts to or destruction of wetlands. <u>40 CFR 230.10(e)</u> RCA: Avoid impacts to or destruction of wetlands whenever possible, especially when less damaging alternatives are available. If a wetland is impacted, immediately contact the RES for technical assistance.		
P2	Oil Pollution	1. Failure to prevent oil from over-flowing/discharging and causing a film, sheen, sludge, emulsion, or discoloration to water and/or adjoining shorelines. <u>40 CFR 110.3(a-b)</u> RCA: Provide catchment basins or containment berms for oil storage containers to control accidental spills or releases. Routinely monitor oil storage areas and control measures (catchment basins, bermed areas) to manage and prevent overflows from occurring. Remove any oil accumulation in catchment basins or berms and dispose of properly. Do not discharge spilled oil into the environment by draining or opening release valves. If values are present in bermed areas, ensure the valves are locked to prevent vandalism and unauthorized releases. Maintain records of any authorized discharges from bermed areas and the condition of the rainwater being released (i.e.: no visible sheen). Do not release rainwater accumulated in bermed areas if a sheen is present.		

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P2	Oil Pollution	2. Failure to prevent a discharge of oil and violation of water quality standards. <u>40 CFR 110.3(e)</u> RCA: Maintain lock-outs on valves installed in bermed areas. Routinely monitor catchment basins and bermed areas to ensure accidental releases do not occur. Consider additional monitoring during and after rain events.		
P2	Oil Pollution	3. Failure to prevent a discharge of oil by circumventing the provisions of the Oil Pollution Act by adding dispersants or emulsifiers to oil prior to discharge. <u>40 CFR 110.4</u> RCA: Do not discharge any oil into the environment. Dispose of used oil properly and maintain oil storage tanks accordingly to prevent any releases from occurring.		
P2	Pesticide Management	1. Failure to use an EPA certified applicator for use of restricted pesticides. <u>40 CFR 171.4</u> RCA: Use a certified applicator for applying restricted use pesticides. Obtain a copy of the applicator's certification and maintain this record in the file location specified in the EMS.		
P2	Pesticide Management	2. Failure to use EPA registered pesticide products. <u>40 CFR 152.15</u> RCA: Use only those pesticide products registered by EPA, unless the facility or product is considered exempt. Maintain procurement records of pesticides and file in the location specified in the EMS.		
P2	Pesticide Management	4. Failure to apply for an exemption to use a pesticide in a way not specified on its label. <u>40 CFR 166.20(e)</u> RCA: Make application to EPA requesting an exemption to use a pesticide in a way not specified on its label. Document application and EPA's response in the file location specified in the EMS.		
P2	Pesticide Management	5. Failure to report any unexpected adverse effects from use of a pesticide under exemption conditions. <u>40 CFR 166.50(a)</u> RCA: Report any unexpected adverse effects from use of a pesticide under exemption conditions to the EPA. Document report in the file location specified in the EMS.		
P2	Pesticide Management	6. Failure to summarize the use of a pesticide under an exemption within 6 months after the expiration or quarantine to EPA. <u>40 CFR 166.32(b)</u> RCA: Provide EPA with a summary report for use of a pesticide under an exemption within six (6) months after the expiration of the quarantine or public health exemption. Maintain a copy of this report in the file location specified in the EMS.		
P2	Pesticide Management	7. Failure to summarize the use of a pesticide under an exemption within three months after the expiration of the crisis exemption to EPA. <u>40 CFR 166.50(b)</u> RCA: Provide EPA with a summary report for use of a pesticide under an exemption within three (3) months after the expiration of the crisis exemption to the EPA. Maintain a copy of this report in the file location specified in the EMS.		
P2	Pesticide Management	8. Failure to annually file interim reports to EPA for quarantine exemptions. <u>40 CFR 166.28(b)</u> RCA: File annually interim reports to EPA for quarantine exemptions regarding use of pesticides. Maintain a copy of this report in the file location specified in the EMS.		
P2	Pesticide Management	9. Failure to clearly label pesticide products. <u>40 CFR 156.10(e) (1)</u> RCA: Clearly label pesticide products that clearly shows: name, brand, or trademark under which the product is sold; name and address of the producer, registrant, or person for whom it was produced; net contents; product registration number; producing establishing number; ingredient statement; warning or precautionary statements; directions for use.		
P2	Pesticide Management	10. Failure to keep all words, statements, graphic representation, designs or other information on pesticide containers clearly visible. <u>40 CFR 156.10(e) (2)</u> RCA: Clearly display all words, statements, graphic representation, designs, or other information on the pesticide container.		

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P2	Pesticide Management	29. Failure to maintain records on pesticides for a minimum of two years following expiration of an exemption. <u>40 CFR 166.32©</u> RCA: Maintain records for a minimum of two (2) years following expiration of any pesticide exemption. Maintain a copy of this report in the file location specified in the EMS.		
P2	Pesticide Management	30. Failure to properly train and/or certify pesticide applicators who apply restricted use pesticides. <u>40 CFR 171.9</u> RCA: Properly train and/or certify all employees that apply restricted use pesticides. Provide refresher training as required. Document employee training requirements in the EMS. Maintain a copy of employee training records in the file location specified in the EMS.		
P2	Pesticide Management	31. Failure to keep employees that handle or have responsibility for managing waste pesticides informed on proper handling and emergency response procedures of waste pesticides. <u>40 CFR 171</u> RCA: Routinely provide employee briefings on proper handling and management of pesticides and waste pesticides, including emergency response procedures for accidental spills and/or releases. Document employee training in the EMS. Maintain a copy of employee training records in the file location specified in the EMS.		
P2	Pesticide Management	32. Failure to restrict worker access to treated pesticide areas. <u>40 CFR 170.112</u> RCA: Restrict access to pesticide treated areas in accordance with guidelines published by the manufacturer. Develop standard operating procedures that covers restriction of pesticide treated areas and time length of restricted access. Train employees on the SOP. Document employee training in the EMS. Maintain a copy of the SOP and employee training records in the file location specified in the EMS.		
P2	Pesticide Management	34. Failure to provide proper decontamination to pesticide handlers. <u>40 CFR 170.150(a)</u> RCA: Provide standard operating procedures and appropriate briefings to applicators and pesticide handlers on proper handling and management of pesticides and waste pesticides, including emergency response procedures for accidental spills and/or releases, and decontamination processes. Document employee training in the EMS. Maintain a copy of employee training records in the file location specified in the EMS.		
P2	Pesticide Management	35. Failure to properly store waste pesticides to prevent releases. <u>40 CFR 273.13(b)</u> RCA: Properly store waste pesticides in a container or tank that prevents releases, and which is clearly label with the start accumulation date, and name of contents, and marked Universal Waste.		
P2	Pesticide Management	36. Failure to properly label waste pesticides, herbicides, rodenticides and insecticides no longer use. <u>40 CFR 273.14(b)</u> RCA: Properly label waste pesticides with the words Universal Waste Pesticide(s) or Waste Pesticide(s). Label universal waste pesticide containers from "recalled" pesticides as: the label that was on or accompanied the product as sold or distributed, and the words "Universal Waste-Pesticide(s)" or "Waste-Pesticide(s)".		
P2	Pesticide Management	37. Exceeded the one year accumulation of universal waste pesticides. <u>40 CFR 273.13-15)</u> RCA: Properly dispose of universal waste pesticides within a year of designating the pesticide as a waste. Do not accumulate longer than one year from the date the pesticide becomes a waste. Unless storage is necessary to facilitate proper recovery, treatment, or disposal (1. Document disposal records and maintain in the file location specified in the EMS.		

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P2	Pesticide Management	38. Failure to maintain records to demonstrate the length of time the pesticide has been accumulating as a waste. 40 CFR 273.15 RCA: Label pesticide waste containers or maintain a waste log with the start accumulation date the pesticide has been accumulating as a waste. Placing the pesticide in a container and mark/ label the container with the earliest date that any pesticide in the container became a waste or was received. Mark / label each individual pesticide with the date it became a waste or was received. Maintain an inventory system on-site that identifies the date each pesticide became a waste or was received, or use any other method that clearly demonstrates the length of time that the pesticide has been accumulated from the date it becomes a waste or is received. Keep accumulation date records and file in the location specified in the EMS.		
P2	Pesticide Management	39. Failure to label unused pesticides. 40 CFR 273.14© RCA: Label unused pesticides as: The label that was on the product when purchased, if still legible, or if using the labels above are not feasible, the appropriate label as required under the Department of Transportation regulation 49 CFR part 172, or if using the labels above is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state.		
P2	Solid Waste Management	2. Failure to properly store solid wastes by keeping lids closed on trash disposal units to prevent flyaways. 40 CFR 243 RCA: Properly store all solids wastes so it does not constitute a fire, health or safety hazard or provide food or harborage for vectors, including no spillage or fly-aways.		
P2	Solid Waste Management	3. Failure to properly dispose of food wastes in covered / closed containers that are nonabsorbent and leak proof. 40 CFR 243.200(1)(a) RCA: Properly dispose of food wastes in secured, covered or closed containers that are nonabsorbent, leak proof, durable, easily cleanable and designed for safe handling.		
P2	Solid Waste Management	4. Failure to remove bulky wastes including removal of doors from appliances and covering to reduce vectors. 40 CFR 243.200(1)(b) RCA: Remove bulky wastes including removing all doors from large appliances and covering the items to reduce the attraction of vectors, creating a nuisance, and accumulation of solid waste and water in and around the bulky items.		
P2	Solid Waste Management	5. Failure to maintain waste containers in clean condition. 40 CFR 243.200 RCA: Keep waste containers in clean condition so that it does not create a nuisance, and retard harborage, feeding, and breeding of vectors.		
P2	Solid Waste Management	6. Failure to obtain adequate sized containers to contain all waste generated between collections. 40 CFR 243.200(1) RCA: Provide adequate-sized solid waste containers to contain all waste generated between collections.		
P2	Solid Waste Management	7. Failure to operate solid waste collection in a safe manner. 40 CFR 243.100(b); 202(1) RCA: Operate solid waste collection in a safe manner that ensures the health and safety of personnel are protected.		
P2	Solid Waste Management	8. Failure to meet all applicable standards for collection and transportation of solid waste. 40 CFR 243.100(b); 202(1)(e) RCA: Ensure that all vehicles used for collection and transportation of solid waste meet all applicable standards established by the federal government, including: Motor Carrier Safety Standards (49 CFR 390-396) Noise Emission Standards for Motor Carriers; Engaged in Interstate Commerce (40 CFR 202); and Federal Motor Vehicle Safety Standards (49 CFR 500-580).		

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P2	Solid Waste Management	9. Failure to enclose vehicles used for collection and transportation of solid waste to prevent spillage and fly-aways. <u>40 CFR 243.202(f)(b)</u> RCA: Enclose wastes or use a suitable cover on all vehicles used for collection and transportation of solid waste so while in transit, there is no spillage and fly-away (e.g., tied down and covered with a tarp, if a pick-up truck is used).		
P2	Solid Waste Management	10. Failure to collect solid waste in a timely manner. <u>40 CFR 243.203(f)</u> RCA: Collect solid waste in a timely manner to inhibit the attraction of vectors and creation of nuisances. Solid wastes which contain food wastes are collected at a minimum of once during each week. Bulky wastes are collected at a minimum of once every 3 months.		
P2	Solid Waste Management	11. Failure to recycle items disposed of in the trash. <u>40 CFR 243.204(f)</u> RCA: Separate recyclable materials from solid wastes in adequate containers that are leak proof and can be closed. Identify vendors for the recyclable material and recycle in a safe, efficient manner.		
P2	Solid Waste Management	12. Failure to clean up releases/spills during collection. <u>40 CFR 243.204</u> RCA: Immediately cleanup releases and spills that occur during collection. Train the driver of emergency response cleanup procedures. Document and maintain training records in the file location referenced in the EMS.		
P2	Solid Waste Management	13. Failure to establish goals for solid waste source reduction and recycling. <u>EO 13701 Sec. 601(a)</u> RCA: Established goals for solid waste source reduction and recycling. Reference in the EMS and assign roles and responsibilities are needed to staff.		
P2	Solid Waste Management	14. Failure to use high-grade recycled paper when over 100 office workers are at a facility. <u>40 CFR 246.200(f)</u> RCA: Require the use of high-grade recycled paper and reference in the green procurement plan. Train employees with purchasing authority on the requirements to purchase recycled paper. Maintain a copy of employee training records in the file location referenced in the EMS.		
P2	Solid Waste Management	15. Failure to recycle newspapers where service is provided to over 500 families. <u>40 CFR 246.201(f)</u> RCA: Recycle newspaper if there are over 500 families residing onsite.		
P2	Solid Waste Management	16. Failure to recycle corrugated containers when the facility generates over 10 tons or more. <u>40 CFR 246.202(f)</u> RCA: Recycle corrugated containers if the facility generates 10 tons or more of waste corrugated containers per month. Maintain records of amounts recycled in the file location referenced in the EMS. Report recycled amounts in the annual Sustainable Practices report.		
P2	Solid Waste Management	17. Failure to maintain a recycling program for toner cartridges, batteries, scrap metal, fluorescent lamps, ballasts, paper, cardboard, etc. <u>EO 13701 Sec 601(b)</u> RCA: Implement a recycling program to recycle: Toner cartridges; Batteries; Scrap metal; Fluorescent lamps and ballasts; Paper; Cardboard; Aluminum; Plastic bottles; Glass bottles. Maintain records of amounts recycled in the file location referenced in the EMS. Report recycled amounts in the annual Sustainable Practices report.		
P2	Solid Waste Management	18. Failure to prevent open dumping. <u>40 CFR 257.1(a)(2)</u> RCA: Routinely monitor the grounds for open dumping and post signs in areas know for dumping. Implement dumping prevention measures such as installing natural or man-made barriers to prevent dumping access, install cameras, provide security, and/or routinely monitor the area.		
P2	Solid Waste Management	19. Failure to identify old disposal sites on facility grounds. <u>BMP2</u> RCA: Identify old disposal sites on facility grounds. Report to the RES and request technical assistance for cleanup.		

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P2	Solid Waste Management	20. Failure to properly design landfills. <u>40 CFR 258.10(a)</u> RCA: Properly design new, existing, or lateral expansions of municipal solid waste landfills so as not to pose a bird hazard to aircraft. (This is required for MSWLFs that are within 10,000 ft of any airport runway used by turbojet aircraft, or within 5000 ft of any airport runway used by piston-type aircraft.)		
P2	Solid Waste Management	21. Failure to properly design a land fill for a 100-year flood or washouts of solid waste during rain events. <u>40 CFR 258.11(a)</u> RCA: Properly design municipal solid waste landfills so they do not restrict the flow of a 100-year flood, reduce temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human health and the environment.		
P2	Solid Waste Management	22. Failure to coordinate with EPA regarding expansion or new construction of a landfill. <u>40 CFR 258.12(a)(2)</u> RCA: Prior to expansion or new construction of a municipal solid waste landfill, coordinate with Tribal/state/EPA environmental officials to ensure construction will not: impact wetlands, violate any applicable Tribal/state water quality standard, violate any applicable toxic effluent standard, jeopardize the continued existence of endangered or threatened species or destroy or adversely modify their critical habitat, or violate any requirement under the Marine Protection, Research, and Sanctuaries Act of 1973. Maintain record of coordination and file in the location specified in the EMS.		
P2	Solid Waste Management	23. Failure to protect wetlands from degradation caused by landfill activities. <u>40 CFR 258.12(a)(3)</u> RCA: Work directly with Tribal/state/Federal officials to ensure the municipal solid waste landfill does not cause or contribute to significant degradation of wetlands. If impacts occur, contact the RES for technical assistance and work with Tribal/state/Federal officials for resolution.		
P2	Solid Waste Management	24. Failure to control runoff from the solid waste landfill. <u>40 CFR 258.26</u> RCA: Control runoff from municipal solid waste landfills by implementing pollution prevention measures. Determine if a National Pollutant Discharge Elimination System (NPDES) permit or Stormwater runoff Pollution Control permit is needed. If needed, make application to the Tribal/state or EPA. Maintain a copy of the permit application and permits obtain in the file location specified in the EMS		
P2	Solid Waste Management	25. Failure to obtain approval for the solid waste landfill design from EPA, state or Tribe. <u>40 CFR 258.40(a)</u> RCA: Prior to construction of a municipal solid waste landfill, including rehabilitation, expansion, etc., obtain approval for the design from the EPA, Tribe, or state.		
P2	Solid Waste Management	26. Failure to install a composite liner and leachate collection system. <u>40 CFR 258.10(3)</u> RCA: Include in the construction design, a composite liner and leachate collection system to protect groundwater from contamination from the municipal solid waste landfill. The composite liner and leachate collection system design should be adequate to maintain less than a 30 cm depth of leachate over the liner.		
P2	Solid Waste Management	27. Failure to maintain records supporting exemptions from specific solid waste landfill design requirements. <u>40 CFR 258.10(2)</u> RCA: Maintain records to support that Owners/operators of the municipal solid waste landfill are exempted from design requirements in the file location referenced in the EMS.		
P2	Solid Waste Management	28. Failure to maintain disposal of regulated wastes and PCB wastes from being disposed in a landfill. <u>40 CFR 258.20(a)</u> RCA: Maintain a program for detecting and preventing disposal of regulated wastes and polychlorinated (PCB) wastes that includes: random inspections of incoming loads; records of inspections; training of personnel to recognize regulated hazardous and PCB wastes; and notification of State/Tribal Director or EPA if regulated hazardous or PCB wastes are discovered.		

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P2	Solid Waste Management	29. Failure to cover solid wastes at the landfill with six inches of earthen material. <u>40 CFR 258.21</u> RCA: Cover solid waste at landfills with 6 inches of earthen material, or another approved material, at the end of each operating day, or more often if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging.		
P2	Solid Waste Management	30. Failure to control disease vectors at the solid waste landfill. <u>40 CFR 258.22(a)</u> RCA: Control onsite populations of disease vectors using techniques appropriate for protection of human health and the environment.		
P2	Solid Waste Management	31. Failure to implement a routine methane monitoring program for the solid waste land fill. <u>40 CFR 258.23(b)</u> RCA: Implement a routine methane monitoring program for the municipal solid waste landfill that is based on: soil conditions; hydrogeological conditions surrounding the site; hydraulic conditions surrounding the site; and locations of landfill structures and property boundaries		
P2	Solid Waste Management	32. Failure to routinely monitor methane gas levels to protect human health. <u>40 CFR 258.23(c)</u> RCA: Routinely monitor methane gas to determine if allowed limits are being exceeded and that steps are taken to ensure protection of human health. Notify the Tribal/State Director or EPA of protective measures taken. Document notification record and file in the location specified in the EMS.		
P2	Solid Waste Management	33. Failure to restrict open burning of solid waste at the solid waste landfill. <u>40 CFR 258.24</u> RCA: Restrict open burning of solid waste, except for infrequent burning of agricultural wastes, silvicultural waste, land clearing debris, diseased trees, or debris from emergency cleanup. Document the restriction measure/memorandum in the file location specified in the EMS.		
P2	Solid Waste Management	35. Failure to control public access to the solid waste landfill. <u>40 CFR 258.25</u> RCA: Control public access, unauthorized entries, vehicular traffic and illegal dumping off waste to the municipal solid waste landfill through the use of artificial and/or natural barriers.		
P2	Solid Waste Management	36. Failure to control discharge of pollutants to waterways, including wetlands. <u>40 CFR 258.27</u> RCA: Cease discharge of pollutants into waters of the United States, including wetlands, that causes noncompliance with Clean Water Act or NPDES requirements. Contact the RES is technical assistance is needed.		
P2	Solid Waste Management	37. Failure to restrict non-containerized liquid waste from being disposed of in a landfill other than household waste. <u>40 CFR 258.28</u> RCA: Restrict bulk or non-containerized liquid waste from being placed in the municipal solid waste landfill unless: the waste is household waste other than septic waste; the liquid waste is in a small container in size to that normally found in household waste; the container holding the waste is designed to hold liquids for use other than storage; or the waste is leachate or gas condensate from the municipality.		
P2	Solid Waste Management	38. Failure to maintain records for the solid waste landfill. <u>40 CFR 258.29(a)</u> RCA: Maintain the following records at the municipal solid waste landfill: location restriction demonstration; inspection records; training procedures; notification procedures; gas monitoring results; remediation plans; documentation for placement of leachate or gas condensate in the landfill; any demonstration, certification, finding, monitoring, testing, or related analytical data; and closure and post closure plans.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	Solid Waste Management	39. Failure to submit an initial design capacity report to EPA/Tribal/State for a design capacity of less than 2.5 million Mg. 40 CFR 60.752(e) RCA: Submit a design capacity report of the landfill to EPA/State/Tribe when the design capacity is less than 2.5 million Mg by mass or 2.5 million m3 by volume. Maintain a copy of this report in the file location specified in the EMS.		
P2	Solid Waste Management	40. Failure to calculate/report non-methane organic carbon emissions if the landfill has a capacity more than 2.5 million Mg. 40 CFR 60.752(b)(7) RCA: Calculate and report non-methane organic carbon emissions to EPA/Tribe/State if the MSWLF has a design capacity of more than 2.5 million Mg by mass or 2.5 million m3 by volume.		
P2	Solid Waste Management	41. Failure to install a collection and control system if non-methane organic carbon emissions are greater than 50 Mg/year. 40 CFR 60.752(b)(2)(ii) RCA: Install a collection and control system for non-methane organic carbon emissions if greater than 50 Mg/year.		
P2	Solid Waste Management	42. Failure to have the groundwater monitoring system certified by a qualified groundwater scientist or other approved authority. 40 CFR 258.57(d)(2) RCA: Have the groundwater monitoring system certified by a qualified groundwater scientist or other approved EPA/State authority. Maintain a record of this certification in the file location specified in the EMS.		
P2	Solid Waste Management	43. Failure to initiate the required actions when groundwater contamination is detected. 40 CFR 258.54(e) RCA: Initiate the following actions when groundwater contaminant is detected at statistically significant levels over those listed in Appendix I of 40 CFR 258: a notice is placed in the operating record; the EPA or State/Tribal Director is notified; and an assessment-monitoring program is established within 90 days.		
P2	Solid Waste Management	44. Failure to implement a corrective action groundwater monitoring program once groundwater contamination is detected. 40 CFR 258.58 RCA: Implement a corrective action for groundwater contaminant when detected at statistically significant levels over those listed in Appendix I of 40 CFR 258. File the corrective action in the location specified in the EMS.		
P2	Solid Waste Management	45. Failure to obtain certification of a groundwater monitoring program. 40 CFR 258.59(e) RCA: Obtain a certification of corrective action to be taken for groundwater contaminant signed by the landfill owner or operator and by a qualified groundwater scientist, and approved by the EPA or Tribal/State Director.		
P2	Solid Waste Management	46. Failure to prepare a written closure plan to close the landfill. 40 CFR 258.60(c) RCA: Prepare a written closure plan that includes: description of the final cover; estimate of the largest area of the landfill unit ever requiring a final cover during its active life; an estimate of the maximum inventory of wastes ever onsite over its active life; and a schedule for completing all activities necessary to satisfy closure requirements. File a copy of the closure plan in the location specified in the EMS.		
P2	Solid Waste Management	47. Failure to conduct post closure requirements of the landfill. 40 CFR 258.61(a) RCA: Conduct post closure inspections and care of the landfill for 30 years and: maintain integrity and effectiveness of final cover to correct settlement, subsidence, erosion or other events, and to prevent run-on and runoff from eroding or otherwise damaging the final cover; maintain and operate the leachate collection system; monitor the groundwater and maintain the groundwater monitoring system; and maintain and operate the gas monitoring system.		
P2	Solid Waste Management	48. Failure to develop a post closure plan for closure of a landfill. 40 CFR 258.61(c) RCA: Develop a post closure plan that includes: description of monitoring and maintenance activities; name, address, and telephone number of person or office to contact about the MSWLF during the post closure period; and description of planned uses of the property during the post closure period.		

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P2	Solid Waste Management	49. Failure to consider site selection and utilization of a landfill to public health, and air and water quality. <u>40 CFR 240.100(a); 202-1</u> RCA: Document that the facility considered site selection and utilization impacts to public health and welfare, air and water quality standards, and appropriate land-use plans. File documentation in the location specified in the EMS.		
P2	Solid Waste Management	50. Failure to obtain approval for design or new facilities or modifications to existing facilities by a professional engineer. <u>40 CFR 240.100(e)</u> RCA: Obtain approval for design plans of new facilities or modifications to existing facilities from a professional engineer. Maintain a copy of the approval in the file location specified in the EMS.		
P2	Solid Waste Management	51. Failure to maintain landfill conditions that are unfavorable for harboring, feeding, and breeding of vectors. <u>40 CFR 240.206(f)</u> RCA: Maintain landfill conditions to prevent harboring, feeding, and breeding of vectors.		
P2	Solid Waste Management	52. Failure to document that the incinerator is operated at all times in an aesthetically acceptable manner. <u>40 CFR 240.207(f)</u> RCA: Maintain operations of the incinerator facility in an aesthetically acceptable manner. Document operation and file in the location specified in the EMS.		
P2	Solid Waste Management	53. Failure to verify that incinerators are designed, operated, and maintained in a manner to protect health and safety of facility personnel. <u>40 CFR 240.209(f)</u> RCA: Verify that incinerators are designed, operated, and maintained in a manner to protect the health and safety of personnel associated with the operation of the facility by conducting routine inspections and requiring daily operating logs. File inspection reports and daily logs in the location specified in the EMS.		
P2	Solid Waste Management	54. Failure to verify that the thermal processing facility is operated and maintained in a manner that assures design requirements are met. <u>40 CFR 240.210(f)</u> RCA: Verify that the thermal processing facility is operated and maintained in a manner that assures it will meet the design requirements by conducting routine site inspections. File inspection reports and daily operating logs in the location specified in the EMS.		
P2	Solid Waste Management	55. Failure to dispose of residue and other solid waste products resulting from a thermal process in an environmentally acceptable manner. <u>40 CFR 240.100(a); c); 208(f)</u> RCA: Properly dispose of residue and other solid waste products resulting from a thermal process in an environmentally acceptable manner. Document disposal method and disposal site. Maintain records in the location specified in the EMS.		
P2	Solid Waste Management	61. Failure to properly operate a landfill that receives asbestos-containing waste material. <u>40 CFR 61.154(a, c-d)</u> RCA: Upon receipt of asbestos-containing waste material, the following requirements are to be met: no visible emissions from areas where asbestos-containing waste material was disposed of are observed; at the end of each operating day or at least once every 24 hours for a continuous operation, the asbestos-containing waste material is covered with at least 15 cm (6 in) of compacted non-asbestos material, or is covered with a resinous or petroleum-based dust suppression agent (note: used or waste oil cannot be used) as a dust-suppression agent; or the landfill uses an alternative emissions control method approved in writing by the EPA Administrator.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	Solid Waste Management	62. Failure to post warning signs at all entrances and along the property line, and provide fencing at the solid waste landfill which receives asbestos waste. <u>40 CFR 61.154(b)</u> RCA: Post warning signs and fencing at all entrances and along the property line. Ensure that warning signs are displayed at all entrances and at least 100 m (330 ft) along the property line or where asbestos-containing waste material is deposited. Ensure the perimeter of the disposal site is adequately fenced to deter access by the general public. Note: If the landfill covers asbestos-containing waste material areas with at least 15 cm (6 in) of compacted non-asbestos materials at the end of the operating day or at least once every 24 hours for a continuous operation, the requirements above do not apply.		
P2	Solid Waste Management	63. Failure to maintain waste shipment records for two years for all asbestos-containing waste materials received at the landfill. <u>40 CFR 61.154(e)(1&4)</u> RCA: Maintain shipment records for two years for all asbestos-containing waste material received and include: name, address, and telephone number of waste generator; name, address, and telephone number of waste transporter; quantity of asbestos-containing waste material in cubic meters or yards; presence of asbestos-containing waste not stored in leak-tight containers; date of receipt of asbestos-containing waste. File records in the location specified in the EMS		
P2	Solid Waste Management	64. Failure to send copies of signed waste shipment records back to the waste generator within 30 days after receipt of asbestos containing waste material. <u>40 CFR 61.154(e)(2)</u> RCA: Send copies of the signed waste shipment records back to the waste generator within 30 days after receipt of the asbestos-containing waste material. Maintain facility copies in the file location specified in the EMS.		
P2	Solid Waste Management	65. Failure to maintain records on location for asbestos containing waste material received at the landfill. <u>40 CFR 61.154(f)</u> RCA: Maintained records on location, depth and area, and quantity in cubic meters (cubic yards) of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area until landfill closure. File in the location specified in the EMS.		
P2	Solid Waste Management	66. Failure to submit copies of asbestos waste disposal locations and quantities to the EPA administrator upon landfill closure. <u>40 CFR 61.154</u> RCA: Submit copies of asbestos waste disposal locations and quantities to the EPA Administrator upon landfill closure. Maintain a copy of all records submitted to EPA at the file location referenced in the EMS		
P2	Solid Waste Management	67. Failure to notify the EPA Administrator in writing 45 days before disturbing/excavating asbestos already deposited and covered in a landfill. <u>40 CFR 61.154(f)</u> RCA: Notify the EPA Administrator writing at least 45 days before disturbing or excavating any asbestos-containing waste materials that had already been deposited and covered at a landfill. Maintain a copy of this notification at the file location specified in the EMS		
P2	SPCC Planning	1. Failure to include 55 gallon drums of oil, oil in large capacity transformers or other materials stored over the threshold limit in the SPCC plan. <u>40 CFR 112.1(d)(2)</u> RCA: For storage greater than the following quantities of oil that have the potential to discharge to waterways, verify that the facility has developed and implemented an SPCC Plan: 660 gallons in any single aboveground container, or a total of 1,320 gallons in all aboveground containers, or 42,000 gallons in underground tanks.		
P2	SPCC Planning	3. Failure to maintain the SPCC plan on site. <u>40 CFR 112.3(e)</u> RCA: Maintain a copy of the SPCC Plan on site or at the nearest field office. Maintain a copy of the SPCC in the file location specified in the EMS.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	SPCC Planning	4. Failure to complete the certification of the applicability of the substantial harm criteria checklist. <u>40 CFR 112.20(f)(7)</u> RCA: Complete the "Certification of the Applicability of the Substantial Harm Criteria Checklist" and maintain a copy in the file location referenced in the EMS.		
P2	SPCC Planning	5. Failure to document in the SPCC plan that the facility meets the substantial harm criteria. <u>40 CFR 112 (App. C, 3.0)</u> RCA: Document in the facility's SPCC Plan whether or not it meets the substantial harm criteria. Maintain a copy of the SPCC in the file location specified in the EMS.		
P2	SPCC Planning	6. Failure to designate a person to be accountable for fuel/oil spill prevention and reports to management. <u>40 CFR 112.7(e)(10)(iii)</u> RCA: Designated a person who is accountable for oil spill prevention and reports to line management. Identify this employee and define roles and responsibilities in the EMS.		
P2	SPCC Planning	7. Failure to have the SPCC plan reviewed and certified by a Registered Professional Engineer. <u>40 CFR 112.3(d)</u> RCA: Have the SPCC Plan reviewed and certified by a Registered Professional Engineer. Maintain a copy of the signed certified SPCC in the file location specified in the EMS.		
P2	SPCC Planning	8. Failure to review/update the SPCC plan every three years or when changes occur at the facility. <u>40 CFR 112.5(b)</u> RCA: Review the SPCC Plan every three years by management. Develop a review signature sheet to verify a review was conducted. Maintain a copy of the review in the SPCC in the file location specified in the EMS.		
P2	SPCC Planning	9. Failure to have a Registered Professional Engineer review and certify any changes or amendments to the SPCC plan. <u>40 CFR 112.5(e)</u> RCA: After a review has taken place, have a Registered Professional Engineer review and certify to any changes or amendments made in the SPCC. Maintain a copy of the signed certified SPCC in the file location specified in the EMS.		
P2	SPCC Planning	10. Failure to incorporate substantial changes to the facility into the SPCC plan within six months of change. <u>40 CFR 112.5</u> RCA: Incorporate any substantial changes to the facility into the SPCC plan within six months of change. Substantial changes may be changes in storage areas, spill response procedures, or containment. Maintain a copy of the updated SPCC in the file location specified in the EMS.		
P2	SPCC Planning	11. Failure to provide a written description of spills causing a sheen on waterways, including corrective action plans for preventing recurrence in the SPCC plan. <u>40 CFR 112.7(a)</u> RCA: For any spills large enough to cause a sheen that have reached navigable waterways, ensure that the SPCC Plan contains a written description of the spill, corrective action, and plans for preventing recurrence.		
P2	SPCC Planning	12. Failure to include a prediction of the direction, rate of flow, and total quantity of fuel/oil that could be discharge in the SPCC Plan. <u>40 CFR 112.7(b)</u> RCA: Include a prediction of the direction, rate of flow, and total quantity of oil that could be discharged in the SPCC.		
P2	SPCC Planning	13. Failure to provide appropriate containment and/or diversionary structures or equipment to prevent releases from reaching navigable waters. <u>40 CFR 112.7(c)</u> RCA: Ensure appropriate containment and/or diversionary structures or equipment to prevent discharged oil from reaching navigable waters is in place and referenced in the SPCC.		

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P2	SPCC Planning	14. Failure to include contingency planning and commitment of manpower and materials required to control and remove any harmful quantity of fuel/oil releases. <u>40 CFR 112.7(d)</u> RCA: Ensure that the SPCC includes a strong oil contingency plan if secondary containment is not practicable, including a commitment of manpower and materials required to control and remove any harmful quantity of oil.		
P2	SPCC Planning	15. Failure to restrain drainage from diked areas by valves or other means to prevent a spill from discharging. <u>40 CFR 112.7(e)</u> RCA: Provide adequate valves or other means to prevent a spill from discharging from diked areas, including lock-outs to avoid accidental opening of valves.		
P2	SPCC Planning	16. Failure to use manual, open-and-close-design valves in diked areas. <u>40 CFR 112.7(e)(7)</u> RCA: Use manual open-and-close valves with lock-outs for the drainage of diked areas.		
P2	SPCC Planning	17. Failure to inspect and document condition of rainwater in diked areas prior to release. <u>40 CFR 112.7(e)(2)(iii)(A)</u> RCA: Routinely inspect diked areas and record if a sheen or pools of product/oil is visible on the water. Drainage of rainwater is allowed from the diked area of a bulk storage tanks only when a bypass valve is normally sealed closed, and inspection of the run-off rain water ensures compliance with applicable water quality standards that does not cause a harmful discharge as defined in 40 CFR part 110.		
P2	SPCC Planning	18. Failure to provide secondary containment for the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation. <u>40 CFR 112.7(e)(2)(ii)</u> RCA: Construct secondary containment for the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation. Ensure that diked areas are sufficient to contain spilled oil.		
P2	SPCC Planning	19. Failure to design transfer fuel areas with secondary containment large enough to hold a spill volume equal to the largest compartment of any tank that loads or unloads fuel at the area. <u>40 CFR 112.7(e)(4)(i)-(iii)</u> RCA: Design / construct secondary containment for transfer fuel areas (fueling terminals, islands, other loading areas) large enough to hold a spill volume equal to the largest compartment of any tank that loads or unloads fuel at the area. Drivers of tanker trucks follow loading/unloading procedures established by the DOT. Measures (e.g., signs, blocking wheels, observation by facility personnel) are taken to prevent a fueling vehicle from leaving before being completely disconnected from fuel transfer lines.		
P2	SPCC Planning	20. Failure to position mobile or portable oil tanks to prevent spills from reaching navigable waters. <u>40 CFR 112.7(e)(2)(x)</u> RCA: Position mobile or portable oil tanks in a manner that prevents oil spills from reaching navigable waters, and have secondary containment.		
P2	SPCC Planning	21. Failure to conduct above ground storage tanks inspections for leaks by visual or hydrostatic testing. <u>40 CFR 112.7(e)(2)(v)</u> RCA: Test above ground storage tanks for leaks by visual or hydrostatic testing. Tank supports and foundations are included in these inspections. Routinely inspect the outside of the tank for signs of deterioration, leaks, or accumulation of oil inside diked areas. Keep records of these visual inspections and maintain in the file location referenced in the EMS.		
P2	SPCC Planning	22. Failure to install and/or test a alarm system to signal high liquid levels. <u>40 CFR 112.7(e)(2)(vii)</u> RCA: Regularly test the alarm system is in place that signals high liquid levels on storage tanks. Maintain a record of inspections and file in the location specified in the EMS.		

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P2	SPCC Planning	23. Failure to clean up visible oil/fuel leaks. 40 CFR 112.7(e)(2)(x) RCA: Immediately clean up any oil/fuel spill using the proper spill response equipment. Dispose and manage the waste as hazardous. Properly train personnel of emergency response procedures to cleanup of spills and accidental releases. Maintain disposal records in the file location referenced in the EMS. Report spill/release incident to the NRC if the material entered surface water.		
P2	SPCC Planning	24. Failure to maintain records of inspections for maintenance, draining of diked areas, and routine inspections. 40 CFR 112.7(e)(8) RCA: Maintain records of inspection procedures and maintenance and draining of diked areas for a minimum of three years in the file location specified in the EMS.		
P2	SPCC Planning	25. Failure to fence fueling areas and lock entrance gates when the area is not attended. 40 CFR 112.7(e)(9)(i) RCA: Fence the fueling area and keep entrance gates locked and/or guarded when the area is not attended.		
P2	SPCC Planning	26. Failure to provide facility lighting where security fencing is unavailable and/or not appropriate. 40 CFR 112.7(e)(9)(v) RCA: Provide facility lighting when security fencing is unavailable and/or not appropriate, to detect spills and prevent spills through acts of vandalism.		
P2	SPCC Planning	27. Failure to provide training to instruct personnel in the operation and maintenance of equipment to prevent discharges. 40 CFR 112.7(e)(10) RCA: Provide training to instruct personnel in the operation and maintenance of equipment to prevent discharges of oil and to instruct personnel on applicable pollution control laws, rules, and regulations		
P2	SPCC Planning	28. Failure to conduct spill prevention briefings to ensure adequate understanding of the SPCC Plan. 40 CFR 112.7(e)(10)(iii) RCA: Conduct spill prevention briefings, including descriptions of potential spill events, spill prevention methods, and spill response, for operations personnel at intervals frequent enough to assure adequate understanding of the SPCC Plan. Document briefings and maintain the record in the file location referenced in the EMS.		
P2	SPCC Planning	29. Failure to prepare and implement a SPCC plan. 40 CFR 112.7 RCA: Develop a SPCC plan if above ground containers of 55 gallons or greater exceed a total of 1,320 gallons; or underground storage capacity exceeds a total of 42,000 gallons; or if due to location, a facility could reasonably discharge oil/fuel/chemicals into wetlands or waterways		
P2	Storage Tank Management	6. Failure to register fuel tank storage with EPA, Tribe and/or state as required. 40 CFR 280.22(a) RCA: Register storage tanks with the appropriate authority as required		
P2	Storage Tank Management	6. Failure to meet underground storage tank and piping requirements regarding prevention of releases, corrosion, spills and overfills. 40 CFR 280.20 RCA: Meet the specific requirements for underground storage tanks and associated piping to prevent releases due to structural failure, corrosion or spills and overfills. These requirements include leak detection, inventory control, tank gauging, and tank integrity testing. Maintain records of all tank testing at the location specified in the EMS.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	Storage Tank Management	7. Failure to implement a method for release detection for underground storage tanks (i.e.: monthly inventory controls, manual/automatic tank gauging, tank tightness testing). 40 CFR 280.43 RCA: Implement a method for release detection (e.g., monthly inventory control, manual or automatic tank gauging, tank tightness testing, etc.). Train employees on these methods and maintain training records at the file location specified in the EMS.		
P2	Storage Tank Management	8. Failure to maintain required monitoring records for release detection of underground storage tanks. 40 CFR 280.45 RCA: Maintain required monitoring records for release detection of underground storage tanks. Keep a copy of monitoring records at the specific location identified in the EMS.		
P2	Storage Tank Management	9. Failure to close underground and/or above ground storage tanks in accordance with state, local and/or Tribal requirements. 40 CFR 280.71 RCA: Properly close tanks (USTs and ASTs) in accordance with EPA, Tribal, state, and/or local requirements including site investigation and tank disposal, document tank closure with the applicable regulatory authority at least 30 days before permanently closing a tank. To permanently close a tank, the facility: Empties and cleans it by removing all liquids and accumulated sludges, and either removes the tank from the ground or fills it with an inert solid material. Maintain all tank closure records at the location specified in the EMS.		
P2	Storage Tank Management	12. Failure to ensure releases do not occur from spills and overfills during transfer of product into the tank. 40 CFR 280.30 RCA: Prevent spills, releases and overfills during transfer of product into the tank by requiring personnel to be on site during transfer of product, and gauging tank prior to delivery to ensure there is sufficient space for product receipt		
P2	Storage Tank Management	13. Failure to install release detection equipment on USTs and connected piping that contains product. 40 CFR 280.40(a)(2) RCA: Install release detection equipment that can detect a release from any portion of the tank and the connected underground piping that routinely contains product (UST).		
P2	Storage Tank Management	14. Failure to maintain records on the corrosion expert analysis if corrosion protection is not used on underground storage tanks. 40 CFR 280.34(b)(7) RCA: Maintain tank records on the corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used. File in the location specified in the EMS.		
P2	Storage Tank Management	15. Failure to document that corrosion protection equipment is maintained for underground storage tanks. 40 CFR 280.34(b)(2) RCA: Provide documentation that corrosion protection equipment is being maintained by routine testing and inspections. Keep testing and inspection records at the file location specified in the EMS.		
P2	Storage Tank Management	16. Failure to document underground storage tank repairs. 40 CFR 280.34(b)(3) RCA: Maintain copies of all tank repairs. Keep records at the file location referenced in the EMS		
P2	Storage Tank Management	17. Failure to document compliance with underground storage tank release detection requirements. 40 CFR 280.34(b)(4) RCA: Document compliance to tank release detection requirements. Keep copies of all records and testing related to tank release detection equipment. File at the location referenced in the EMS.		
P2	Storage Tank Management	18. Failure to maintain the results of a site investigation for underground storage tank closure. 40 CFR 280.34(b)(5) RCA: Maintain all records of the tank closure and site investigation at the location specified in the EMS.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	Toxic Substances Management	1. Failure to provide written notification to EPA, state or Tribe of the intent to demolish or renovate a building containing asbestos. <u>40 CFR 61.145(b)</u> RCA: Provide written notice to EPA/State/Tribe of the intent to demolish or renovate a building containing asbestos at least ten (10) working days before demolition begins, and as early as possible before renovation begins. Keep a copy of the notice and file at the location referenced in the EMS		
P2	Toxic Substances Management	2. Failure to develop procedures for asbestos emission controls to be taken during asbestos removal activity. <u>40 CFR 61.145(c)</u> RCA: Develop procedures for asbestos emission controls to be taken during asbestos removals at the facility. Train personnel on the procedures and file procedures at the location specified in the EMS.		
P2	Toxic Substances Management	3. Failure to train personnel in the regulatory provisions applicable to asbestos removals during an actual asbestos removal. <u>40 CFR 61.145(c)(8)</u> RCA: Train at least one person in the regulatory provisions applicable to asbestos removal during actual asbestos removal. Refresher training is required every two years. Document required training in the EMS and identify responsible person in the Roles and Responsibilities section of the EMS. Maintain training records at the location specified in the EMS.		
P2	Toxic Substances Management	4. Failure to remove all asbestos containing material prior to intentional burning of a building. <u>40 CFR 61.145(c)(10)</u> RCA: Remove all asbestos containing materials prior to scheduled burning. Dispose of asbestos properly and complete the required waste manifests. Keep copies of waste manifests at the file location referenced in the EMS.		
P2	Toxic Substances Management	5. Failure to prevent visible emission discharges during the collection, processing, packaging, or transporting asbestos containing waste material. <u>40 CFR 61.150(a)</u> RCA: Control discharges of visible emissions to the outside air during the collection, processing, packaging, or transporting any asbestos-containing waste material by using one of the emission control methods specified in the regulations such as adequately wetting asbestos-containing waste material. (This is not applicable to Categories I and II nonfriable ACM that was not crumbled, pulverized, or reduced to a powder.)		
P2	Toxic Substances Management	6. Failure to properly use wetting to eliminate emissions during asbestos removal. <u>40 CFR 61.150(a)(1)</u> RCA: To properly use wetting as the method to eliminate emissions, asbestos waste must be handled as follows: After wetting, seal all asbestos-containing waste material in leak-tight containers while wet; or, for materials that will not fit into containers without additional breaking, put materials into leak-tight wrapping; and label the containers or wrapped materials with the phrase, "CAUTION, Contains Asbestos", "Avoid Opening or Breaking Container", "Breathing Asbestos is Hazardous to Your Health", or other OSHA-approved label; For asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated. Maintain records for asbestos disposal at the location specified in the EMS.		
P2	Toxic Substances Management	7. Failure to dispose abandoned asbestos materials at an appropriate disposal site (abandoned pipe, drummed asbestos waste, tanks, etc.). <u>40 CFR 61.150</u> RCA: Dispose of all asbestos-containing waste material immediately at an appropriate waste disposal site. Maintain a copy of the waste manifest at the location referenced in the EMS.		
P2	Toxic Substances Management	8. Failure to clearly mark vehicles transporting asbestos waste indicating an asbestos dust hazard. <u>40 CFR 61.150(c)</u> RCA: Clearly mark vehicles used to transport asbestos-containing waste materials to indicate an asbestos dust hazard.		

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	Toxic Substances Management	9. Failure to maintain waste shipment records for asbestos. <u>40 CFR 61.150(d)(1)</u> RCA: Maintain waste shipment records for all asbestos-containing waste materials transported off the facility. Waste shipment records include: name, address, phone number of the generator; name and address of the local, state, or EPA Regional office responsible for administering the NESHAP program; approximate quantity of ACM in cubic meters or yards; name and phone number of disposal site operator; name and physical site location of the disposal site; date waste asbestos was transported; name, address, phone number of transporter; certification that the contents are accurately described by the label and in proper condition for shipping.		
P2	Toxic Substances Management	10. Failure to provide the disposal site with a copy of the waste shipment record for asbestos. <u>40 CFR 61.150(d)(2)</u> RCA: Provide the disposal site with a copy of the waste shipment record at the time the asbestos waste is delivered to the disposal site. Maintain a copy of the waste shipment record at the file location specified in the EMS		
P2	Toxic Substances Management	11. Failure to obtain a copy of the signed waste shipment record from the disposal site operator/owner. <u>40 CFR 61.150(d)(3-4)</u> RCA: If a copy of the waste shipment record, signed by the operator of the disposal site, is not received within 35 days of the date the waste was accepted by the initial transporter, contact the transporter and/or the owner or operator of the designated disposal site to determine the status of the waste shipment. The local, state, or EPA Regional office is informed in writing if a copy of the signed waste shipment record is not returned to the generator within 45 days after the waste was accepted by the initial transporter		
P2	Toxic Substances Management	12. Failure to provide annual written notification to parents, guardians, teachers, and employees of the Asbestos Management Plan and keep a copy of the notification in the Asbestos Management Plan. <u>40 CFR 763.93(g)(4)</u> RCA: Once per school year, provide written notification to parents, guardians, teachers, and employees of the availability of the Asbestos Management Plan.		
P2	Toxic Substances Management	60. Failure to provide annual written notification to parents, guardians, teachers, workers, and employees about inspections and response actions; and reference a copy of this notification in the Asbestos Management Plan. <u>40 CFR 763.84 (c)</u> RCA: Once per school year, provide written notification to parents, guardians, teachers, and employees of the availability of the Asbestos Management Plan; including notices about inspections, response actions, post response actions activities, periodic re-inspections, and surveillance activities regarding asbestos removals that are planned or in progress. Maintain copies of all notifications in the Asbestos Management Plan.		
P2	Toxic Substances Management	13. Failure to retain asbestos waste shipment records for two years at the facility. <u>40 CFR 61.150(d)(5)</u> RCA: Retain all waste shipment records for at least two (2) years at the facility. File waste shipment records at the location specified in the EMS.		
P2	Toxic Substances Management	15. Failure to inspect school buildings to identify all locations of friable and non-friable asbestos materials by an accredited inspector. <u>40 CFR 763.85(a)</u> RCA: Use an accredited inspector to inspect each school building for the presence of asbestos and before using any newly acquired building as a school. If emergency use of an uninspected building is required, the proper inspection occurs within 30 days of use. Maintain a copy of the inspection at the file location specified in the EMS and in the Building Asbestos Management Survey Plan.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	Toxic Substances Management	16. Failure to re-inspect all friable and non-friable known or assumed asbestos containing materials once every three years by an accredited inspector after an asbestos management plan is in place. 40 CFR 763.85(f) RCA: Every 3 years after an asbestos management plan is in place, have an accredited inspector conduct a re-inspection of all friable and non-friable, known or assumed asbestos containing asbestos materials in each school building. Maintain a copy of the re-inspection in the Asbestos Management survey plan and at the file location referenced in the EMS		
P2	Toxic Substances Management	17. Failure to maintain a copy of the written assessment from the accredited inspector for each inspection and re-inspection. 40 CFR 763.88 RCA: Maintain a copy of the written assessment completed by the accredited inspector for each inspection and re-inspection of all friable known or assumed ACBM in the school building. Maintain a copy of the re-inspection in the Asbestos Management survey plan and at the file location referenced in the EMS.		
P2	Toxic Substances Management	18. Failure to repair damaged or significantly damaged thermal system insulation that contains asbestos. 40 CFR 763.90(b) RCA: Repair damaged or significantly damaged thermal system insulation that contains asbestos materials or remove the damaged material if it is not feasible, due to technological factors, to repair the damage. continue to maintain all thermal system insulation that contains asbestos in an intact state and undamaged condition. Maintain documents for this repair and file at the location referenced in the EMS.		
P2	Toxic Substances Management	19. Failure to properly response to damaged or significantly damaged surfacing or miscellaneous asbestos containing materials. 40 CFR 763.90(b-d) RCA: Immediately take response action for damaged or significantly damaged surfacing asbestos containing materials. Response action may be: encapsulation, enclosure, removal, or repair of the damaged material. Maintain records of type of action taken and keep a copy in the Asbestos Management Plan and at the location referenced in the EMS.		
P2	Toxic Substances Management	20. Failure to isolate and restrict access to significantly damaged friable surfacing asbestos containing material. 40 CFR 763.90(d-f) RCA: Isolate and restrict access to significantly damaged friable surfacing asbestos areas present in a school building to protect human health and the environment. Make arrangements to take response action.		
P2	Toxic Substances Management	64. Failure to conduct periodic surveillance (once every six months) with updates to the Asbestos Management Plan. 40 CFR 763.92(b)(1) RCA: Routinely conduct a six-month surveillance of asbestos containing materials. Update the Asbestos Management Plan with the surveillance report, including the date and name of the person conducting the surveillance and any changes to the asbestos containing materials.		
P2	Toxic Substances Management	22. Failure to designate a person responsible for asbestos oversight/management. 40 CFR 763.84(g) RCA: Designate a person to ensures that requirements concerning asbestos in schools are properly implemented. Train this employee to perform his/her duties. Document training and maintain the training record at the location specified in the EMS.		
P2	Toxic Substances Management	63. Failure to ensure that the person responsible for asbestos requirements implementation is trained and that the Asbestos Management Plan references this person's name and training information. 40 CFR 763.84(g)(1) RCA: Provide asbestos training and maintain a copy of staff training in the Asbestos Management Plan. Refer the name of the designated Asbestos person and training information in the Asbestos Management Plan.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
	Toxic Substances Management	23. Failure to have procedures for small-scale, short duration operations and maintenance activities that disturb friable asbestos. 40 CFR 763.91(d) RCA: Develop procedures for small-scale, short duration operations and maintenance activities that disturb friable asbestos. Procedures should contain: restricted entry to the area only to those necessary to perform the work either through isolating the area, or through work schedules; signs are posted to prevent entry by unauthorized persons; air-handling systems are shut off or modified; practices or other controls, such as wet methods, protective clothing, HEPA-vacuums, mini-enclosures, glove bags, are used to inhibit the spread of any released asbestos fibers; all fixtures and components in the immediate work area are cleaned; asbestos debris and other cleaning materials are placed in a sealed, leak-tight container. Reference the procedures in the EMS.		
P2	Toxic Substances Management	24. Failure to use only accredited persons for any maintenance activities disturbing friable asbestos containing materials. 40 CFR 763.91(e) RCA: Use only persons accredited to design and conduct response actions for any maintenance activities that may disturb friable asbestos areas and that are large-scale or long-duration maintenance activities. Obtain a copy of the accreditation and maintain a copy at the file location referenced in the EMS		
P2	Toxic Substances Management	25. Failure to post asbestos warning labels in areas where friable asbestos containing materials is present. 40 CFR 763.95(a-c) RCA: Post labels in areas where friable asbestos containing materials was treated in any other way than removal and where asbestos containing materials is present, but no treatment was taken. Labels must read "CAUTION: ASBESTOS. HAZARDOUS. DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT."		
P2	Toxic Substances Management	26. Failure to provide 2-hour asbestos awareness training to school maintenance and custodial staff who work in a building that contains asbestos containing materials. 40 CFR 763.92(a)(1) RCA: Train all members of the school maintenance and custodial staff who work in a building that contains ACBM with two (2) hours of awareness training, whether or not they are required to work with ACBM. Training takes place within 60 days after the start date of employment. Maintain copies of all training records at the location specified in the EMS. Reference training requirements in employee roles and responsibilities in the EMS.		
P2	Toxic Substances Management	27. Failure to provide 14-hour asbestos awareness training to appropriate staff who conduct activities that will disturb asbestos containing materials. 40 CFR 763.94(e) RCA: Provide school maintenance and custodial staff who conduct activities that will disturb ACBM with the two (2) hour awareness training, and an additional 14 hours of required training. Maintain copies of all training records at the location specified in the EMS. Reference training requirements in employee roles and responsibilities in the EMS.		
P2	Toxic Substances Management	28. Failure to have an asbestos management plan. 40 CFR 763.93(a) & (e) RCA: Develop an asbestos management plan for each school that has asbestos containing materials.		
P2	Toxic Substances Management	29. Failure to update the Asbestos Management Plan, keeping copies of each inspection and re-inspection in the plan document. 40 CFR 763.94(f) RCA: Document each inspection and re-inspection in a report that is included in the asbestos management plan. Maintain copies at the file location referenced in the EMS.		
P2	Toxic Substances Management	30. Failure to have a complete, updated copy of the asbestos management plan at the facility and available for inspections and workers. 40 CFR 763.93(g)(3) RCA: Ensure that the school has a complete, updated copy of the management plan in its administrative offices. The plan must be available to workers before they start work in any part of the school. Reference the location of this plan in the EMS.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bid Construction Date and Auditor Comments
P2	Toxic Substances Management	31. Failure to keep asbestos records on file (training records, response actions taken, fiber releases, etc). <u>40 CFR 763.94(b-h)</u> RCA: Keep the following asbestos records on file: preventative measures and response actions; personnel training; operations and maintenance activities; and fiber release episodes at the location specified in the EMS and in the asbestos management plan.		
P2	Toxic Substances Management	32. Failure to maintain records for required abatement, preventative measures taken and any response actions taken at the facility and on file for three years. <u>40 CFR 763.94(a)</u> RCA: Keep all asbestos records at the school. Records pertaining to asbestos materials abatement, preventative measures conducted, and response actions. Maintain records on file for at least three (3) years after the next re-inspection. Record locations are referenced in the EMS.		
P2	Toxic Substances Management	33. Failure to disclose the presence of lead-based paint in target housing before leasing. <u>40 CFR 745.107(a)</u> RCA: Disclose the presence of lead-based paint in target housing before leasing. In addition, the facility provides a copy of an EPA-approved lead hazard information pamphlet; discloses the presence of lead-based paint or lead-based paint hazards; provides copies of records or reports pertaining to lead-based paint or lead-based paint hazards to the lessee.		
P2	Toxic Substances Management	35. Failure to include the appropriate information in contracts for leasing target housing. <u>40 CFR 745.113(a-b)</u> RCA: Contracts for leasing target housing must include the following: a lead warning statement (see 40 CFR 745.113(a) and (b) for specific wording); statement disclosing the presence of known lead-based paint or lead-based paint hazards, if applicable; records or reports on lead-based paint and lead-based paint hazards present in target housing; statement that the purchaser or lessee has received the information listed above. If sold, the facility must keep these records for at least five (5) years.		
P2	Toxic Substances Management	36. Failure to use certified staff for lead-based paint inspections, risk assessments and/or abatement. <u>40 CFR 745.220(e); 226(a)(6)</u> RCA: Lead-based paint activities are performed by certified individuals or firms, including inspectors, risk assessors, supervisors, project designers, and abatement workers.		
P2	Toxic Substances Management	37. Failure to provide recertification training to employees with lead-based paint certifications at least every three years. <u>40 CFR 745.226(e)</u> RCA: Require and provide training recertification every three (3) years if the individual completed a training course with a course test and a hands-on assessment; or every five (5) years if the individual completed a training course with a proficiency test. Document training requirements in the EMS and maintain copies of training certificates at the file location referenced in the EMS		
P2	Toxic Substances Management	38. Failure to use EPA or state authorized program accredited training for lead-based paint training. <u>40 CFR 745.225</u> RCA: Use only EPA or Tribal/state-authorized program accredited training programs for lead-based paint training. Document training accreditation.		
P2	Toxic Substances Management	39. Failure to use certified individuals to conduct inspection for lead hazard screening. <u>40 CFR 745.227(a)(2)</u> RCA: Use certified individuals to conduct an inspection, lead hazard screen, risk assessment, or abatement in compliance with the requirements listed in 40 CFR 745.227(b-e).		
P2	Toxic Substances Management	40. Failure to maintain reports of lead-based paint inspections. <u>40 CFR 745.227(h)</u> RCA: Maintain all reports or plans of inspections, lead hazard screens, risk assessments, or abatements for at least three (3) years. File records at the location referenced in the EMS		
P2	Toxic Substances	41. Failure to label items that contain PCBs. <u>40 CFR 761.40</u> RCA: Clearly label / mark materials containing PCBs with the words PCBs.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	Toxic Substances Management	42. Failure to provide procedures to properly dispose of waste containing PCBs. 40 CFR 761.60 RCA: Develop disposal procedures to properly dispose of materials contaminated with PCBs. Train employees on these procedures. Document the procedures in the EMS.		
P2	Toxic Substances Management	43. Failure to properly dispose of PCB waste within one year of becoming a waste. 40 CFR 761.65(a)(1) RCA: Properly dispose of PCB waste within one year after becoming a waste by completing a waste manifest. Label waste PCBs with the start accumulation date.		
P2	Toxic Substances Management	44. Failure to properly store PCB items for reuse. 40 CFR 761.35(a) RCA: Properly store PCB items for reuse no longer than 5 years. These items must be clearly marked/labeled PCB.		
P2	Toxic Substances Management	45. Failure to maintain proper documentation for PCB items in storage. 40 CFR 761.35(a)(2) RCA: Maintain the proper documentation for PCB items in storage which consists of: start accumulation dates for PCB wastes and dated inventories or other form of documentation that shows used PCB items are not being stored for more than 5 years.		
P2	Toxic Substances Management	46. Failure to follow proper decontamination procedures in handling materials contaminated with PCBs. 40 CFR 761.79(c) RCA: Develop decontamination procedures to handling materials contaminated with PCBs. Train employees working with these materials on the procedures. Document training and maintain records at the file location referenced in the EMS. Include a copy of the decontamination procedures in the EMS.		
P2	Toxic Substances Management	47. Failure to follow proper certificate of disposal from the treatment, storage, and/or disposal facility including manifest procedures when disposing of PCBs. 40 CFR 761.207 & 218 RCA: Complete a waste manifest for disposal of PCB wastes. Maintain the proper certificate of disposal from the treatment, storage and disposal facility when disposing of PCBs. Keep a copy at the file location specified in the EMS		
P2	Toxic Substances Management	50. Failure to dispose of PCBs properly to avoid disposal requirements. 40 CFR 761.20 (a)(4) & 761.60 RCA: Dispose of PCBs according to the PCB type and concentration and preparing waste manifests. Do not blend or diluted PCBs regulated for disposal for purposes of use or to avoid disposal requirements.		
P2	Toxic Substances Management	51. Failure to properly dispose of PCB containing equipment and / or bulky waste that contained PCBs. 40 CFR 761.60(b)(6)(ii)(A) RCA: Properly dispose of PCB equipment waste within one year after becoming a waste by completing a waste manifest and using a certified hazardous waste hauler. Maintain records on hauler and disposal site. Reference record location in the EMS.		
P2	Toxic Substances Management	52. Failure to inspect PCB transformers for leaks every three months. 40 CFR 761.30(a)(ix) RCA: inspect PCB transformer for leaks every 3 months. Document inspection and maintain in the record file specified in the EMS.		
P2	Toxic Substances Management	53. Failure to properly store and meet the requirements for PCB items in storage area designated for disposal. 40 CFR 761.65(b)(1) RCA: Develop storage procedures for storing PCBs with a concentration of 50 ppm or greater. Store PCB items containers approved by the Department of Transportation. Ensure adequate leak containment is provided for. Train employees on these procedures and document training in the file location specified in the EMS.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	Toxic Substances Management	59. Failure to notify EPA prior to engaging in PCB waste handling activities. <u>40 CFR 761.202(a) & 205(a)</u> RCA: Notify the EPA before storing PCB wastes and transporting PCB wastes off site by a certified waste hauler. Maintain a record of the EPA notification and EPA response as a permanent record. Maintain these records in the location specified in the EMS.		
P2	Toxic Substances Management	62. Failure to record the dates when PCB items were removed from service for disposal. <u>40 CFR 761.65(b)(8)</u> RCA: Properly mark/label each PCB item with "PCB Waste", and date the item was removed from service for disposal. Develop an SOP for PCB management, assign staff roles and responsibilities, train staff and reference in the EMS.		
P2	Toxic Substances Management	61. Failure to inspect all PCB items in storage for leaks every 30 days. <u>40 CFR 761.65(c)(5)</u> RCA: Inspect all PCB items in the PCB waste storage area for leaks every thirty days. Maintain a written inspection log to verify inspection. Develop a SOP for PCB management. Assign staff roles and responsibilities; and provide training. Reference SOP and staff roles/responsibilities in the EMS.		
P2	Water Pollution	1. Failure to contact the appropriate authority (EPA, state or Tribe) to determine applicability of Storm Water discharges related to Industrial activities. <u>40 CFR 122.26(a)</u> RCA: Contact the EPA/Tribe/state to determine applicability of Storm Water General Industrial Permit requirements for vehicle maintenance, wastewater treatment or disposal sites. Keep a record of this contact and file at the location specified in the EMS.		
P2	Water Pollution	2. Failure to obtain a permit for stormwater discharges associated with Industrial activities. <u>33 USC 26, Sec. 1311(a)</u> RCA: Obtain a permit by making application to EPA/Tribe/State.		
P2	Water Pollution	3. Failure to obtain a permit prior to discharge of pollutants into waters of the U.S. <u>40 CFR 122.1(b)</u> RCA: Obtain a permit for discharges of pollutants into waters of the U.S. Submit the permit application to the EPA or state/Tribe authority.		
P2	Water Pollution	4. Failure to obtain a permit for stormwater runoff for construction related activities related to erosion, staining, brownish foaming, outfalls, etc. <u>33 USC 26, Sec. 1311(a) and 40 CFR 122.26</u> RCA: Obtain a permit for stormwater runoff discharges from the EPA or state/Tribe environmental regulatory authority.		
P2	Water Pollution	5. Failure to obtain a permit for discharging wastewater to waterways (i.e.: vehicle washing, shop for drains, steam/coal-fired boiler discharges, cooling tower discharges). <u>40 CFR 122.1(b) & 2(a)</u> RCA: Obtain a permit for any direct discharges to surface waters. Discharges to waters of the U.S. from laboratories, vehicle washing, and wastewater treatment plants require permits.		
P2	Water Pollution	6. Failure to implement and maintain all provisions in the storm water permit including all stormwater management controls to reduce, control or prevent pollutant discharges from entering receiving streams. <u>40 CFR 122.26(c)(1)(C-D)</u> RCA: Review the Stormwater permit and adhere to the permit requirements. All provisions of the permit must be implemented.		
P2	Water Pollution	7. Failure to maintain oil/water separators in storm water sewer and/or obtain a permit for the discharge. <u>40 CFR 403.5(a)&(c)(2)</u> RCA: Maintain oil/water separators connected to a storm water sewer outfall and ensure that these units are operating properly and correctly maintained. Obtain a permit for the discharging unit.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
	Water Pollution	8. Failure to properly store all materials and/or waste sources such as used oil, hazardous waste, solid waste, and/or universal waste in a manner to prevent contamination to stormwater runoff. 40 CFR 122.26(b)(14) RCA: Store all potential storm water pollutants inside or under a roof such that these items would not come in contact with rain water, either directly or through runoff (run on or runoff), such as: Pesticides, Oils and solvents; Fueling operations; Salvage materials, batteries and dumpsters. Routinely inspect storage areas for releases and spills. Record inspection findings and maintain documentation at the file location referenced in the EMS.		
P2	Water Pollution	33. Failure to obtain a UIC permit for drain/tile fields and/or provide EPA with Underground Injection Control (UIC) inventory information. 40 CFR 144.83 RCA: Identify and complete an inventory of all Underground Injection Control (UIC) wells, including drain/tile fields at the facility. Provide this information to EPA when applying for the facility UIC permit. Update inventory as appropriate and maintain inventory record along with the UIC permit application in the location specified in the EMS.		
	Water Pollution	9. Failure to submit a renewal application for stormwater / NPDES permits for discharges. 40 CFR 122.21 RCA: Submit a renewal application for the stormwater/NPDES permit within 180 days before permit expires. Notify the applicable EPA, Tribe or state regulatory authority of the discharge activity and complete the application to obtain an UIC permit for discharges into a drain/tile field. Keep a copy of the application and UIC inventory and file at the location referenced in the EMS.		
P2	Water Pollution	14. Failure to submit an application to be covered under the "general" permit 90 days prior to construction. 40 CFR 122.21(c) RCA: For construction activities covered under a general permit, make application 90 days prior to construction to EPA or the Tribe/state. Keep a copy of the application at the file location referenced in the EMS.		
	Water Pollution	15. Failure to obtain a Stormwater Pollution Prevention Permit for construction work over one acre. 40 CFR 122.26(b)(15)(i) RCA: Contact the appropriate EPA/Tribe/state regulatory authority and apply for a Stormwater Pollution Prevention Permit for the construction project. Keep a record of this contact and permit application file at the location specified in the EMS.		
P2	Water Pollution	22. Failure to implement stormwater discharge management controls required by the stormwater discharge permit. 40 CFR 122.41(e) RCA: Review the Stormwater permit and implement the required pollution prevention measures to control erosion and pollution from entering surface waters. Routinely monitor the site to ensure the pollution prevention measures are adequate to control pollution and erosion. Record site inspections and maintain a copy at the file location specified in the EMS.		
P2	Water Pollution	25. Failure to confirm whether a stormwater permit is required for a landfill. 40 CFR 122.26(b)(14)(v) RCA: For landfill activities, confirm and document if a storm water permit is required. File documentation at the location specified in the EMS.		
	Water Pollution	27. Failure to submit an application to be covered under the general stormwater permit at least 180 days prior to the permit being required. 40 CFR 122.2(b)(4) RCA: If a permit is required, submit an application to the Tribe, state, or regional EPA to be covered under general storm water permit at least 180 days prior to permit being required. Or The facility has an NPDES permit for a point source discharge (wastewater treatment, vehicle washing), and the permit includes a section on storm water discharges.		
P2	Water Pollution			

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	Water Pollution	35. Failure to exclude hazardous waste specifically prohibited from injection disposal (i.e.: solvent, dioxin-containing solutions, and newly listed wastes). 40 CFR 148(a) RCA: Immediately stop injections of waste specifically prohibited from injection disposal, including solvent, dioxin-containing, California list, first third, second third, third and any newly listed wastes. Report unauthorized disposal of prohibited wastes to EPA or state/Tribe. Maintain records of all reporting in the record location referenced in the EMS.		
P2	Water Pollution	36. Failure to obtain exemption for injection of prohibited wastes through the petition standards and procedures. 40 CFR 148@ RCA: Immediately make application to obtain an exemption for injections of wastes prohibited under 40 CFR 148 (b) from EPA or state/Tribal environmental regulatory authorities. Maintain copies of all documents supporting the exemption at the record location referenced in the EMS.		
P2	Water Quality	2. Failure to conduct Coliform Bacteria repeat monitoring when a positive finding is determined (permit requirement). 40 CFR 141.21(b) RCA: After a positive test for total coliform is determined, collect a set of four repeat samples within 24 hours and test. If positive finding persists, notify management and follow permit reporting and public notification requirements. Retest as required until negative findings are determined. Maintain all laboratory and sampling records.		
P2	Water Quality	3. Failure to meet drinking water reporting requirements, public notification requirements, and/or record/documentation for maintenance requirements. 40 CFR 141(f) RCA: Review the drinking water reporting requirements and public notification requirements to ensure reporting is being conducted as required. Keep records and daily logs of maintenance being conducted and or maintenance requirements. Keep copies of all reporting documents and notifications.		
P2	Water Quality	4. Failure to implement special monitoring requirements to analyze inorganic and organic contaminants, sodium, or corrosivity levels when appropriate. 40 CFR 141(e) RCA: Implement the special monitoring procedures to analyze inorganic and organic contaminants, sodium and corrosivity levels when appropriate. Maintain documentation to verify monitoring was conducted and maintain at the file location referenced in the EMS		
P2	Water Quality	5. Exceeded contaminant levels for drinking water. 40 CFR 141(f) & (g) RCA: Adjust chemical feeds and clean filter units appropriately to correct exceedance of permit parameters. Follow procedures outlined in the facility's manual regarding intake feeding units. If additional technical assistance is required, contact OFMC. Conduct the proper follow-up sampling and public notification that is required. Continue sampling and following up until exceedance is no longer out of spec.		
P2	Water Quality	6. Failure to remove and/or stop using lead pipes, solder and flux in drinking water systems. 40 CFR 141.43 RCA: Identify the location of lead pipes, solder and flux within the distribution lines. Replace lines. Monitor lead levels until water lines are replaced and provide a report to EPA or the Tribe/state.		
P2	Water Quality	7. Failure to maintain proper drinking water filtration and disinfection techniques when required. 40 CFR 141(h) RCA: Properly maintain water filtration and disinfection systems. Conduct routine monitoring to ensure filtration units and disinfection systems are operating correctly. Maintain a daily log of actions taken. Always maintain residual chlorine in the distribution system, periodically checking and recording the chlorine value in the daily log.		
P2	Water Quality	8. Failure to maintain lead and copper contamination levels below maximum lead levels of primary drinking water standards and/or the permit. 40 CFR 141 RCA: Properly maintain water filtration, chemical feeds and contact units to maximize treatment to remove lead and copper. Conduct routine monitoring and sampling to ensure these units are operating properly. Maintain a daily log of actions taken.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	Water Quality	9. Failure to document and maintain collection information requirements for public water systems as required. 40 CFR 141(m) RCA: Maintain information collection requirements for public water systems for five years. Report to EPA or Tiber/state as required. Maintain copies of all reports submitted.		
P2	Water Quality	10. Failure to follow most stringent drinking water regulations and report to proper enforcement agency. 40 CFR 142 RCA: Follow the most stringent drinking water regulations as determined by review of EPA, Tribal or State requirements and report any non-compliance to the proper enforcement agency. Maintain a copy of all reports at the file location referenced in the EMS.		
P2	Water Quality	13. Failure to protect public drinking water supply from underground injections (i.e.: prohibition of unauthorized injection, prohibition of movement of fluids into underground drinking water sources, prohibition of Class IV wells, lack of record keeping for hazardous injection wells). 40 CFR 144(b) RCA: Identify and inventory all underground injections near the public drinking water supply. Ensure that the underground injections have been reported to EPA, are permitted, and meets the requirements for underground injection including prohibition of unauthorized injection, prohibition of movement of fluids into underground drinking water sources, prohibition of Class IV wells and requirements for wells which inject hazardous waste; and record-keeping regulations. Maintain copies all records.		
P2	Water Quality	18. Failure to protect identified critical aquifer areas. 40 CFR 149 RCA: Identify any critical aquifer areas prior to underground injection. Develop measures to protect the critical aquifer areas prior to injection. Maintain copies of all records pertaining to actions taken to protect critical aquifer areas at the record location referenced in the EMS.		
P2	Water Quality	31. Failure to adhere to sample analysis holding times/exceeded holding times for sample analysis. 40 CFR 136 Table II RCA: Collect legal samples required by the EPA permit using proper collection, testing, preservation and shipping procedures. These include: using proper sample container; preserving samples properly prior to analysis; utilizing proper preservation techniques; adhering to sample holding times; and properly completing a Chain of custody.		
P2	Water Quality	32. Failure to: complete a chain of custody, collect samples properly, use the correct container, and/or correctly preserve the sample. and/or adhere to sample analysis holding times. 40 CFR 141.33; 136 Table II RCA: Collect legal samples required by the EPA permit using proper collection, testing, preservation and shipping procedures. These include: using proper sample container; preserving samples properly prior to analysis; utilizing proper preservation techniques; adhering to sample holding times; and properly completing a Chain of custody.		
P2	Water Quality	33. Failure to meet the permit limit for Arsenic and/or Fluoride and/or Uranium (exceeded the Maximum Contaminant Level (MCL). 40 CFR 141(b) RCA: Maintain permit limits for drinking water contaminant levels for inorganic and organic chemicals, turbidity, radium isotopes and alpha particle radioactivity and beta particle and photon radioactivity. Conduct routine maintenance on treatment equipment and ensure the proper amount of chemicals are being added to the system. Keep daily logs on activities conducted during each shift.		
P2	Water Quality	34. Failure to provide an annual Consumer Confidence Water Report to each water customer using the water system. CFR 141.86 RCA: Provide an annual report to each water customer which contains information concerning the quality of its water delivered by the system and characterizes the risks (if any) from exposure to contaminants detected in the water in an accurate and understandable manner.		

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
P2	Water Quality	35. Failure to document and / or monitor tap water for lead and copper for each six-month compliance period. <u>40 CFR 141(f)</u> RCA: Collect & test tap water samples for lead and copper monitoring every six-months. Maintain records.		
P2	Water Quality	36. Failure to document and/or monitor for radionuclides (gross alpha particle activity, radium-226, radium-228, and uranium). <u>40 CFR 141.28</u> RCA: Conduct required monitoring for radionuclides at the community water system and maintain records.		
P2	Water Quality	37. Failure to document and/or monitor for Organic chemicals (benzene, 51 contaminants referenced in <u>40 CFR 141.24</u>). <u>40 CFR 141.24</u> RCA: Conduct required monitoring for Organic chemicals at the community water system and maintain records.		
P2	Water Quality	38. Failure to document and/or monitor for in-organic chemicals (barium, cadmium, chromium, free cyanide, fluoride, mercury, selenium, antimony, beryllium, thallium, nitrates, arsenic, lead, copper). <u>40 CFR 141.23</u> RCA: Conduct required monitoring for in-organic chemicals at the community water system; maintain records of date of monitoring, laboratory sample analyses, including location of sampling, & chain of custody for sampling collection.		
P2	Water Quality	39. Failure to meet permit requirement for microbiological contaminants. <u>40 CFR 141.63(b)</u> RCA: Frequently check treatment equipment (chlorine feed, UV lamps, etc.) to ensure it is functioning properly and record frequency of equipment checks in the daily treatment log. Immediately repair equipment when not functioning properly and record all observations and repairs in the daily log. When equipment is not functioning properly, sample the water for microbiological contaminants every day until equipment is back in operation.		

Section H: Certifications

In accordance with the requirements set forth in 18 U.S.C., If applicable I, _____, certify that to the best of my knowledge and belief, I have no conflict of interest that will compromise, in any way, the performance of this Audit, including but not limited to current or previous employment at the facility being audited. Additionally, if applicable, I meet the requirements set forth in 18 U.S.C. §207, Post Employment Restrictions. If a conflict of interest is determined to exist, I will immediately remove myself from the audit process with full disclosure of the interest, direct or indirect, to the IA Contractor Officer's Representative.

Auditor _____

Date _____

Section I: Management Review

P	Category	Finding / Citation / Recommend Corrective Action (RCA)	RC	Location, Bldg Construction Date and Auditor Comments
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I, _____, (title) _____ certify that

I have reviewed the EMAP Audit Findings identified in the FY EMAP Audit Report for my facility.

Senior-Line Official

Date

APPENDIX D
Pre Visit Questionnaire
Environmental Multi-media Assessment & Performance Program

This Questionnaire identifies environmental areas for evaluation during the assessment. The term "facility" refers to the property and operations within the geographic boundary of the agency, school, irrigation office, law enforcement center, or detention facility. The Purpose of this environmental assessment is to identify areas to correct or to improve your environmental performance. The contractor will review your last EMAP findings and corrective actions taken. If you need a copy of your facility's last EMAP, please contact the DECRM EMAP Contact referenced in Part III. **The following must be available for review by the contractor:**

• Training records	• Permits
• Manifests/waste/disposal shipping forms	• Records for servicing refrigerant units
• SPCC Plan and EMS	• Certification of person/company using refrigerants
• Emergency Response Plan	• Pesticide certifications for applicators
• Tank Registrations	• Tier II Reports
• Asbestos Management Plan	• Sampling / monitoring records
• Staff Certification for water/wastewater treatment	• Records of spill notifications to EPA/Tribe/State

A site map of the facility

1. Name of Facility.					
2. Facility Senior Line Official/Title					
3. Telephone Number			Fax Number		
4. Mailing Address					
5. Physical Address					
6. Environmental Management System (EMS) Point of Contact.					
7. Facility Point of Contact					
8. Program Type (Check <input checked="" type="checkbox"/>)					
BIA	BIE	PL 93-638	PL 100-297	Self-Gov	Other
9. Number of Employees					
10. Operating Time Schedule:					
11. Date of Last EPA Inspection:		Did EPA identify any violations?		Were they corrected?	
12. List any EPA Permits (e.g., NPDES, Air, RCRA)					
13. List any EPA Identification Numbers for Regulated Waste					

Multi Media Pre Visit Questionnaire

Facility Name: _____

Part II. Overview (Check all that apply):

Storage Tanks	<input checked="" type="checkbox"/>	Prescribed Burns	<input checked="" type="checkbox"/>	Laboratory(s)	<input checked="" type="checkbox"/>
Water Treatment	<input type="checkbox"/>	Chemicals	<input type="checkbox"/>	Chemical Storage	<input type="checkbox"/>
Wastewater Treatment	<input type="checkbox"/>	Noxious Weeds Program	<input type="checkbox"/>	Waste Oil	<input type="checkbox"/>
Lagoon(s)	<input type="checkbox"/>	Road Construction Program	<input type="checkbox"/>	Timber Marking/Spraying	<input type="checkbox"/>
Heating Oil Tank(s)	<input type="checkbox"/>	Boiler(s)	<input type="checkbox"/>	Staging Area(s)	<input type="checkbox"/>
Tier I / Tier II reports, DMRs, or SMRs	<input type="checkbox"/>	Spills / Releases (oil, fuel, chemicals, wastewater)	<input type="checkbox"/>	Mechanic/Vehicle Maintenance Shop	<input type="checkbox"/>
Floor Drains	<input type="checkbox"/>	Carpentry Shop	<input type="checkbox"/>	Monitoring Wells	<input type="checkbox"/>
Building Maintenance	<input type="checkbox"/>	Material Safety Data Sheets	<input type="checkbox"/>	Asbestos	<input type="checkbox"/>
Waste Tires	<input type="checkbox"/>	Pesticides/Herbicides	<input type="checkbox"/>	Furnace(s)	<input type="checkbox"/>
Paint Booth(s)	<input type="checkbox"/>	Paints	<input type="checkbox"/>	Solvents	<input type="checkbox"/>
Electrical Equipment	<input type="checkbox"/>	Renovations/Demolitions	<input type="checkbox"/>	Hydraulic Systems	<input type="checkbox"/>
Wastewater Discharges	<input type="checkbox"/>	Waste Treatment / Sludge	<input type="checkbox"/>	On-site Drain Fields	<input type="checkbox"/>
Septic Disposal System	<input type="checkbox"/>	Wetlands	<input type="checkbox"/>	Coating/Printing Operations	<input type="checkbox"/>
NEPA Compliance	<input type="checkbox"/>	Incinerators	<input type="checkbox"/>	Landfill	<input type="checkbox"/>
Water Towers	<input type="checkbox"/>	Sample Collection	<input type="checkbox"/>	Emergency/Spill Response	<input type="checkbox"/>
Waste Manifests	<input type="checkbox"/>	Hazardous Waste	<input type="checkbox"/>	Chain of Custody(s)	<input type="checkbox"/>

1. Are there any specific issues or concerns you would like to address during the site assessment?

Part III.

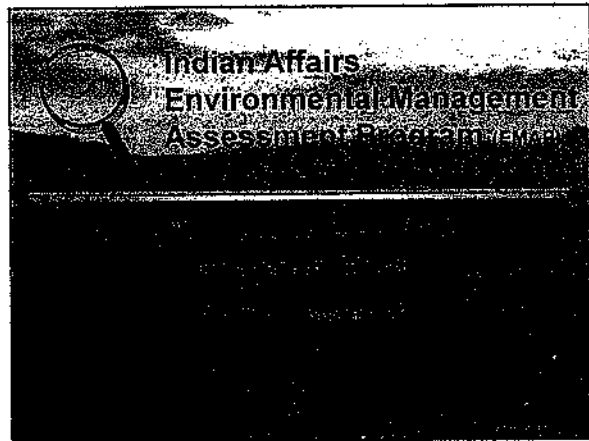
Contact Information

DECRM EMAP Contact: Pamela Snyder-Osmun	
Telephone Number: 703-390-6341	Fax Number: 703-390-6325
e-Mail Address: pam.snyder-osmun@bia.gov	

Fax the Completed Questionnaire to DECRM EMAP Contact

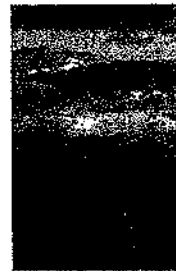
APPENDIX E

Sample Entrance Brief



Agenda

Objective
Interviews
Record Reviews
Site Assessment
Integration
of findings into EMS
Technical Assistance



Objective

Help IA improve its operations with respect to the environment:

- Identify areas that need improvement to comply with Federal environmental requirements
- Recommended corrective actions
- Identify root causes of findings
- Integrate audit findings into EMS
- Provide technical assistance



Scope of Audit

- ♦ BIA owned OR operated facilities
- ♦ Audit Criteria: Title 40, Code of Federal Regulations and other Federal environmental requirements
- ♦ Period Under Review
Five years



Audit Areas

- Air Pollution
- Emergency Planning and Reporting
- Environmental Management Systems (EMS)
- Energy and Water Conservation
- Green Procurement
- Hazardous Waste Management
- Natural Resources Management
- Oil Pollution
- Miscellaneous Maintenance Waste
- Pesticide Management
- Solid Waste
- SPCC Planning
- Storage Tank Management
- Toxic Substances Management
- Water Quality
- Water Pollution
- NEPA

Audit Process

Site Assessment

Audit Process

- ◆ Interview managers and staff
- ◆ Observe operations
- ◆ Review documents and records
- ◆ Verify findings with documentation

Prepare Findings

- ◆ Prepare EMAP Audit Report

Report Results

- ◆ Exit Brief with Management
- ◆ Provide Technical Assistance
- ◆ Within 90 days, Progress Follow-up visit



Audit Plan

- ◆ Date
 - Schedule InBrief and Records review/interviews
- ◆ Date
 - Site assessment of operations/activities
- ◆ Date
 - Followup interviews-managers/staff
- ◆ Date
 - Audit report/Outbrief/EMSintegration
- ◆ Date
 - Day at site-technical assistance

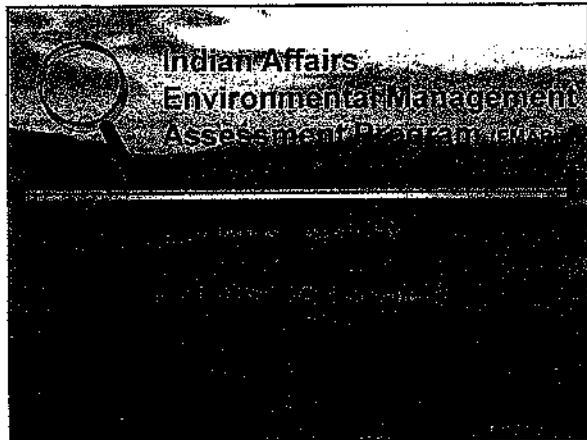


EPA Violation Review



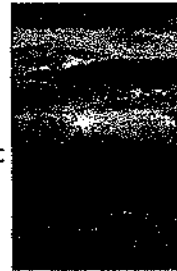
APPENDIX F

Sample Exit Briefing



AGENDA

- Discuss Audit Findings
- Discuss Corrective Actions
- Discuss Time Period to correct
- Identify Findings that cannot be corrected in 90 days
- Review outstanding EPA violations



AUDIT FINDINGS

REVIEW POSITIVE FINDINGS

(WITH PHOTOGRAPHS IF POSSIBLE)



OPPORTUNITIES FOR IMPROVEMENT

AUDIT FINDINGS

List Audit Category and Finding

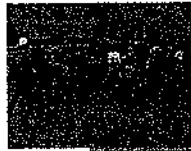
(Reference Photograph or verification document)



Discuss Corrective Action and Time Period to Correct

Action Plans

- ◆ Action Plans are required for audit findings that cannot be corrected within 90 days
- ◆ The Action Plan must be submitted to DECRM within 20 days from the date of the EMAP audit.
- ◆ EPA must approve the Action Plan



(Review status of corrective actions taken for EPA Violations and Identify outstanding violations)

Technical Assistance

Provide assistance in integrating audit findings in EMS

Provide assistance in areas identified by management and staff

FOLLOW-UP VISIT

Will occur in 70-80 days

Purpose: To verify correction of audit findings and progress of Action Plan

APPENDIX G

Notice of Immediate Response Action for Audit Finding(s)

Facility:

Date:

Line Official:

Facility Contracting Officer:

Emergency Funding Requested:

\$

Auditor / Date:

Funding: DECRM Approving Official

DEC RM Fax #: 703-390-6325

DEC RM Approval Contact:

Pamela Snyder-Osmun

Emergency Cell Phone No.: 918-650-2801

Office No.: 703-390-6524

DEC RM FAX No.: 703-390-6325

Description of Emergency Action Required: *(To be initiated within 24 hours of discovery)*

Notification to National Response Center and Others

Did the Responsible Official notify the NRC? Yes ____ No ____ Don't Know ____

If the Responsible Official did not notify the NRC, Did the Auditor notify NRC? Yes ____ No ____

NATIONAL RESPONSE CENTER 1-800-424-8802

APPENDIX H
Location of Concern
BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN EDUCATION
Environmental and Disposal Liability
Location of Concern Notification Form

Date: _____

Name of person completing Form: _____

Title: _____

Region/Agency School/Law Enforcement Facility: _____

Address: _____

Address 2: _____

Legal description/Building # (if known): _____

Contact Phone Number(s): _____

Please describe the area of concern. Include as much detail as possible and pay special attention to providing information on how to locate the area. Also provide names/phone numbers of others who are aware of the details of the location or incident.

Office use only

Date received by responsible Line Officer _____

Name and title of Line Officer _____

Signature _____ Phone Number _____

Date received by responsible Line Officer _____

For RES: Please sign, date, and fax a copy to the Line Officer and DECRM. (check one). Due Care was performed and the site _____ is an EDL, _____ is not an EDL, _____ is an "other unfunded liability", _____ needs further testing. Attach documentation for support of finding.

RES Signature _____

Date _____

APPENDIX I

CERTIFICATION OF OWNERSHIP OF SCHOOLS AND WATER SYSTEMS

I, Larry Echo Hawk, declare the following:

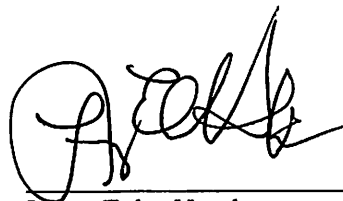
1. I am the Assistant Secretary—Indian Affairs for the Department of the Interior. The Assistant Secretary—Indian Affairs is the senior official of Indian Affairs, which includes Bureau of Indian Affairs and Bureau of Indian Education.

2. On behalf of Indian Affairs, I certify that the schools and water systems named on Appendices C and D to the Consent Agreement and Final Order (CAFO) are, to the best of my knowledge and belief, facilities owned and/or operated by the Department of the Interior. As such, the facilities named on Appendices C and D of the CAFO are subject to the terms of the CAFO and the Federal Facilities Compliance Agreement in this case.

3. In making these statements, I have not made an independent review of all statements contained therein and have relied in good-faith on information, statements, and representations furnished to me by employees or contractors of the Department of the Interior. Based on my inquiry of the person or persons (or the supervisors of such persons) directly responsible for gathering the information contained in this written certification and in any documents accompanying this certification, this document is, to the best of my knowledge and belief, true accurate and complete.

4. I certify under penalty of perjury that the foregoing is true and correct.

DATE: **APR 19 2011** _____



Larry Echo Hawk
Assistant Secretary—Indian Affairs